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PROCEEDINGS OF THE MYSORE LEGISLATIVE COUNCIL.

Proceedings of the meeting of the Legislative Council held on the 16th April 1923.

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PROCEEDINGS OF THE MYSORE LEGISLATIVE COUNCIL.

Proceedings of the meeting of the Legislative Council held on the 16th April 1923.

A. R. BANERJI, ESQ., M.A., C.I.E., C.S.I., DEWAN (*Presiding*).

Ex-Officio Members.

1. RAJAMANTRAPRAVINA DEWAN BAHADUR P. RAGHAVENDRA RAO, B.A., B.L., *First Member of Council.*
2. MIR HAMZA HUSEIN, ESQ., B.A., B.L., *Second Member of Council.*

PRESENT.

Official Members.

1. K. R. SRINIVASA IYENGAR, ESQ., M.A.
2. K. CHANDY, ESQ., B.A.
3. A. SUBRAMANYA IYER, ESQ., B.A.
4. S. CADAMBI, ESQ., B.A., L.C.E.
5. H. B. MYLVAGANAM, ESQ., F.R.C.S.
6. C. S. BALASUNDARAM IYER, ESQ., B.A.
7. RAJAKARYAPRASAKTHA M. N. KRISHNA RAO, B.A.
8. K. MATTHAN, ESQ., B.A.
9. P. G. D'SOUZA, ESQ., B.A., B.L.
10. B. RAMASWAMAIYA, ESQ., B.A., B.L.
11. B. VENKOBA RAO, ESQ., B.A.
12. K. SHANKARANARAYANA RAO, ESQ., M.A., B.L.

Non-official Members.

1. RAJASABHABHUSHANA DEWAN BAHADUR K. P. PUTTANNA CHETTY, C.I.E.
2. RAJAKARYAPRASAKTHA RAO BAHADUR M. SHAMA RAO, M. A.
3. RAO BAHADUR M. C. RANGIENGAR, B.A.
4. MAHOMED ABBAS KHAN, ESQ.
5. B. N. VIJAYA DEVA, ESQ., M. A., BAR.-AT-LAW.
6. B. V. RAMASWAMY CHETTY, ESQ., B.A.
7. D. VENKATESAIYA, ESQ., B.A., B.L.
8. H. VENKATARAMAIYA, ESQ., B.A., B.L.
9. N. S. NANJUNDIAH, ESQ.
10. HOSAKOPPA KRISHNA RAO, ESQ.
11. H. G. BASAVAPPA, ESQ.
12. M. ANANTHIAH SETTY, ESQ.
13. RAO SAHEB H. CHENNIAH.
14. M. RAMACHANDRA RAO, ESQ., B.A. B.L.
15. B. ABDUR RAHMON, ESQ., B.A.
16. G. PARAMASIVIAH, ESQ., B.A., LL.B.

C. ABDUL GHANI, ESQ., B.A., B.L., *Secretary.*

DEWAN.—Gentlemen: before we proceed to the business of the day, I have most regretfully to refer to the sad loss this Council has sustained by the sudden and untimely death of Mr. Subbiah. Mr. Subbiah was a member of this Council for the past three years having been elected to it by the Representative Assembly. I have had the pleasure of knowing his inner mind as well as his political ideals and I sincerely feel that he was a tower of strength to the people's cause and was besides, a disinterested critic and friend of the administration. He dealt with public questions whether in the Council, Assembly, Committees or Boards with much force of conviction and painstaking study as well as independence of judgment. His moderation which was the outcome of his long and strenuous public life in Mysore extending over 20 years characterised all his public utterences. There was hardly a public movement in Mysore with which he was not connected. He was first elected to the Representative Assembly in 1906 and was a member of that body continuously from 1917. He served on the Education and Agricultural Committees of the Economic Conference, the Back-ward Scholarship Committees, the Standing Finance Committee, the Central Recruitment Board and lastly the Committee appointed to work out the details of Constitutional Reforms in Mysore. He was a Councillor of the premier City Municipal Council of Bangalore for the past 20 years and was recently elected as the first non-official President of the Bangalore District Board, in which capacity he showed during the brief period of his office, most commendable enthusiasm and insight into the details of Local Self-Government. The constructive work of his life had only just begun and a great future was before him for, as the first non-official President of the District Board of Bangalore, he took up his task with a sterling sense of duty and a determination to do good to the public at large irrespective of party, caste, or creed. In him, we have lost an ardent patriot and a loyal and strenuous public worker. I put before the House for acceptance a sincere vote of condolence to the members of Mr. Subbiah's family in their sad bereavement.

It is now some few months since we last met and it will, I hope not be considered inappropriate if I make a brief statement to this council on certain matters of general public interest which have engaged the active consideration of Government and also drawn a certain amount of public attention.

The financial position, I am happy to be able to state, shows slight improvement, although it has not ceased to cause anxiety. It is sufficient to state at the present moment that while there are some encouraging features so far as the general revenues are concerned, and I anticipate that our budget estimates will have been more than realised, there have been certain disturbing factors on the side of expenditure creating the necessity for additional grants under certain heads not previously foreseen. I hope, however, that our current year's deficit will not exceed the budget estimate, if in the actuals it is not reduced as a result of the year's transactions and further post-budget retrenchments. I think there will be a general agreement in the policy which the Government have now thought it necessary to adopt, *viz.*, that of balancing the next year's budget and I am devising measures some of which, I fear, may be considered drastic, towards this object which must in my judgment be achieved at any cost in order to restore the equilibrium of our finances as early as possible.

I have much pleasure in announcing that out of the accumulated surplus of the Assigned Tract Revenue for the three years commencing from 1918-19 during which it was withheld, a sum of Rs. 13½ lakhs has been paid, and the surplus accruing during the official year 1921-22 to the extent of Rs. 10,45,000 has also come into our hands.

The Reforms Committee concluded their sittings on the 7th of March and submitted their report to Government on the 18th of that month. The report which, I believe, will be out of the Press for publication and general criticism on this day and a copy of which will, I hope, be placed in the hands of the members of this Council in the course of the proceedings this afternoon, shows a great deal of labour, elaborate discussion and careful thought. I take this earliest opportunity on behalf of His Highness' Government, to thank the learned Chairman and the official and non-official members of the Committee for their splendid work in this connection. Two months have been allowed for public criticism and I wish to point out that, with every possible expedition, it will be a difficult task to introduce the new constitutional changes by October next. A great deal will depend on

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general public feeling on the subject and I for one would prefer to hasten slowly rather than rush the introduction of these momentous and far-reaching measures. In this matter, however, the Government will act entirely according to the wishes of the people for they are determined not only to give them the fullest possible opportunity for discussion and criticism of the detailed scheme as worked out by the Committee but at the same time and for their own part to bestow their own concentrated and most careful consideration on the scheme as a whole, before promulgating its operation.

The most unfortunate indisposition of His Holiness the Sringeri Jagadguru has attracted considerable public attention. My Hon'ble Colleague, the First Member of Council, has already visited Sringeri and made personal local enquiries into the circumstances arising and Government have also recently sent one of their senior medical officers to visit His Holiness and make a full report regarding the state of his health. I may reassure all those sections amongst His Highness' subjects who are specially interested in the case, that Government are most carefully watching the situation and will do all that is necessary under the peculiar and delicate circumstances of the situation, when they are in full possession of all the facts.

The Bhadravati Iron Works which started operation on the 18th of January have now as a result of the discussions during my recent tour been placed under a re-constituted Board of Management under the chairmanship of Sir M. Visvesvaraya who, I am glad to say, has agreed, in response to our invitation to associate himself with this undertaking in that responsible position. The prospects of the Works, as far as the present enquiries go, seem to be fair and I have every hope that with the constant vigilance of the reconstituted Board and the effective management of the Tata Iron and Steel Company who will continue to be our Managing Agents and as such help us with their wide experience and extensive business organization, this undertaking will prove a commercial success.

It is the intention of His Highness' Government to associate an Hon'ble Member of this Legislative Council, in the Board of Management and I have much pleasure in announcing that my much respected friend, Dewan Bahadur K. P. Puttanna Chetty, C.I.E., has been invited to be a member of that Board and that he has accepted the invitation.

We shall now proceed with the agenda.

The Secretary will read his report.

MR. K. P. PUTTANNA CHETTY.—Before the Secretary reads the report, I wish, with the permission of the President, to say a few words. This House wishes to associate itself with every thing said by you regarding the late Mr. M. Subbiah. He was a stout champion of the rights of the people. He always took a great deal of interest in public affairs. He was a prominent member of the City Council. There is not a movement of any importance, as you said, in which he did not take a keen interest and active part and did much useful work. He was but recently elected by the suffrages of his countrymen to a most important position as the first elected President of the District Board of Bangalore and it is most unfortunate that he did not live to fulfil the promise of his life. We are very sorry indeed that death has snatched from us a useful public man and we are poorer for the sad loss.

As regards the next year's budget this Council is very much gratified to learn from you Sir, that every effort is being made to balance the budget, a matter on which this Council has laid stress for several years past. It is a very happy coincidence that our efforts in this direction have been considerably helped by the receipt of the Surplus Revenues of the Civil and Military Station and that a sum of 24 lakhs of rupees had been received during the year. This Council trusts that the Government of H. H. the Maharaja will press for a very early and permanent settlement of the question with the Government of India on an equitable basis so that this hardy annual may not come up again and again for discussion. The Government should take such action as will ensure that all the surplus revenues of the Station according to pro forma accounts are credited to the Mysore State.

Your observations regarding the Sringeri affairs are quite opportune, because the public mind has been greatly agitated owing to disquieting rumours regarding the health of His Holiness the Jagad Guru. We had looked forward to very

early action being taken when we heard that the First Member of the Council was deputed to Sringeri. We trust that very early steps will be taken to place the Jagad Guru under proper and competent medical treatment and arrangements made to manage the affairs of the Jaghir and the Mutt satisfactorily during His Holiness' illness. If I may mention it, a well attended public meeting was held only yesterday in Bangalore at which it was resolved to lay this matter before the Government of H. H. the Maharaja for very early action being taken and the public opinion will be satisfied if effective steps are taken by H. H. the Maharaja's Government towards achieving this object.

I. SECRETARY'S REPORT.

The Secretary reported to the Council :—

That the following Bills which were passed at the meeting of the Legislative Council held on the 18th December 1922 received the assent of His Highness the Maharaja on the respective dates specified :—

Bill further to amend the Municipal Regulation ..	26th December 1922.
The Identification of Prisoners Bill	26th December 1922.
Bill further to amend the Stamp Regulation ..	26th December 1922.
Bill further to amend the Court Fees Regulation ...	26th December 1922.
The Petroleum Bill	8th January 1923.

II. INTERPELLATIONS.

Mr. N. S. Nanjundiah asked.

1. Will the Government be pleased to state—

(*a*) Whether the Co-operative Commission have submitted their final report, and if so, when are the final orders of Government likely to be passed in the matter?

(*b*) Whether the said report will be published before the passing of such orders?

(*c*) What are the main recommendations of the Commission?

(*d*) If such report has not been received as yet, what are the reasons therefor and what steps are taken to obtain the report?

(*e*) What is the total expenditure incurred on account of the said Commission?

Mr. Mir Hamza Husein replied.

(*a*) and (*c*) The Co-operative Committee's Report has not yet been received.

(*b*) The question will be considered after the receipt of the report.

(*d*) The delay is due to the final meeting of the Committee to consider and pass the report not having been held as yet, on account of the business engagements of the Chairman and some of the members of the Committee elsewhere.

(*e*) The total amount of expenditure incurred on account of the Committee is Rs. 12,696.

Mr. N. S. Nanjundiah asked.

2. Will the Government be pleased to state—

(*a*) What is the number of suits pending in the several courts merely awaiting the disposal of miscellaneous applications for succession certificates or on account of the non-production of such certificates?

(*b*) Whether Government propose to amend the Succession Certificate Regulation so as to enable decrees being passed subject to the production of succession certificates before applying for execution.

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Mr. Mir Humza Husein replied.

(*a*) Information has been called for and will be furnished to the member on receipt.

(*b*) No such proposal is now before the Government, but the suggestion will be examined.

Mr. N. S. Nanjundiah asked.

3. With reference to recent Government Orders about the retirement of Amildars and subordinate officials who may have put in twenty-five years' service or more, will Government be pleased to state—

(1) What effect the said orders will have on the finances in respect of pension charges, and expenditure for entertaining new hands, etc.?

(2) What the effect will be on the efficiency of service and departmental work?

(3) What course will be adopted about the recovery of Insurance Premia or the payment of bonus under the policies?

(4) Whether the orders are going to be brought into force and if so, when?

Mr. Mir Hamza Husein replied.

(1) From the information so far collected it is not anticipated that any extra expenditure on account of pension charges or for entertaining new hands will be incurred when giving effect to these orders.

(2) Government have no intention of giving effect to these orders in a manner that will adversely affect the efficiency of service and departmental work; on the other hand, the effect of the measure is calculated to be to improve the efficiency of the service by the retirement of inefficient and superannuated men.

(3) The question will be considered after the receipt of the committee's report.

(4) Yes, on receipt of the committee's report in the case of superannuated men, and of those who though not superannuated are yet liable to retirement on the ground of physical incapacity or general inefficiency.

Mr. D. Venkatesaiya asked.

4. In regard to the Police Lines at Champion Reefs, Kolar Gold Fields, will the Government be pleased to state—

(*a*) Whether any estimate for its repairs has been sanctioned; if so, the amount of estimate and the date of sanction?

(*b*) Whether it is a fact that the Sub-Division Officer, Public Works Department, at Bowringpet has issued orders to a contractor to start with the work, before the estimates were sanctioned, and that accordingly the contractor has spent considerable sums of money on the work, and thus been put to heavy loss and risks?

(*c*) If the answer to (*b*) above is in the affirmative, whether it was competent to the Sub-Division Officer to issue such orders. If not, what action do Government propose to take in the matter?

Rajamanthrapravina Dewan Bahadur P. Raghavendra Rao replied.

(*a*) No estimate has been sanctioned. But the Executive Engineer has allotted about Rs. 500 for urgent repairs work for which the necessary estimate will be sanctioned by himself in due course, being within his powers of sanction.

(*b*) and (*c*) The Sub-Divisional Officer was ordered to start the work as it was considered urgent, but Government have no information regarding the alleged loss suffered by the contractor. The matter will be enquired into.

Mr. D. Venkatesaiya asked.

5. Will the Government be pleased to state—

(*a*) The total amount of expenditure incurred in connection with the Committee appointed to enquire into the condition of co-operative societies in the State.

(*b*) The date on which the committee started their enquiry, and the date on which they finished the examination of the last witness.

(*c*) Whether the committee have submitted their final report: if so, the date on which it was submitted?

(*d*) Whether the final report, if any, will be placed for discussion in the Representative Assembly and in the Legislative Council?

Mr. Mir Hamza Husein replied.

(*a*) and (*c*) The member's attention is invited to the reply of Government to interpellation No. I.

(*b*) The Co-operative Committee began its sitting on the 13th December 1920 and its last sitting was on 10th June 1921.

(*d*) The question will be considered after the receipt of the report.

Mr. H. G. Basavappa asked.

6. Will the Government be pleased to state—

(1) Whether they are aware that the Lingayet Boarders of the Maharaja's College Hostel have not been provided with necessary facilities of bathing, with the result that they have been forced to accept water from a non-vegetarian non-lingayet servant, which is highly objectionable and against the religious sentiments of the Virasaiva Community?

(2) Whether they will enquire into the matter and issue necessary instructions to provide a separate bath room and to appoint a Lingayet waterman immediately?

Mr. K. Matthan replied.

(1) and (2) The Government have enquired into the matter, and from the report of the Principal, they understand that the present arrangements have been accepted by the Lingayet students and that they have made no complaints about the matter.

The subject will however be referred to the University authorities.

Mr. H. G. Basavappa asked.

7. Will the Government be pleased to state—

(1) Whether they are aware that the Bhadra river water has been polluted by the waste water of the Distillation Works, with the result that the villages lower down the river have been deprived of the use of the river water on account of the pollution?

(2) Whether they will take any steps to prevent the pollution?

Rajamantrapravina Dewan Bahadur P. Raghavendra Rao replied.

(1) and (2) It is a fact that at the beginning of the operation the waste water of the plant was running into the river. But since the Still House came into full working order, the volume of waste water has considerably reduced and precautions are being taken to see that it does not discharge into the river.

Water from the retorts is still going into the river and the question of diverting this water also is receiving attention.

Mr. H. G. Basavappa asked.

8. Will the Government be pleased to state—

When they will pass final orders on the question of admission of students of all communities into the Sanskrit Colleges in the State?

Mr. K. Matthan replied.

The matter is under the active consideration of Government and they hope to pass orders at an early date.

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Mr. B. Abdur Rahmon asked

9. Will the Government be pleased to state—

(1) The number of communal hostels for which building grants and free sites have been given in the last six years in the State?

(2) What is the total amount granted to each community in this period?

(3) Are the Government aware that this system is not suited to most of the backward communities who are not wealthy?

(4) If so, have they taken any steps to alter the system so that as many backward communities as possible may be benefited from the large grants given from general revenues?

Mr. K. Matthan replied.

(1) Grants have been disbursed to eight such hostels and have been sanctioned but not yet disbursed to four.

(2) A statement is placed on the table. (*Vide* Appendix A.)

(3) and (4) It is not clear what the system referred to by the member is. All the grants sanctioned are regulated by the general Grant-in-aid rules applicable to all private hostels. The Government have no reason to think that the existing rules are unsuitable.

Mr. B. Abdur Rahmon asked.

10. Will the Government be pleased to lay on the table—

(1) The number of Primary Schools for Panchamas in each of the last three years and in the current year.

(2) The amount allotted by Government and utilised in each of the last three years and the current year for

(*a*) the conversion of Aided Panchama Primary Schools into Government schools, and

(*b*) clothing;

(3) The number of Panchama students in the schools in the State from Primary to High School Standard?

Mr. K. Matthan replied.

(1) The figures for the years 1919-20, 1920-21 and 1921-22 are furnished in the statement laid on the table (*vide* Appendix B). Figures for the current year will be available when the Administration Report of the year is received.

(2) (*a*) No special allotment was made, but sanction was accorded by the department for the conversion of those aided schools that applied for such conversion and satisfied the conditions laid down. Ten Aided Panchama Schools in the Bangalore District and four in the Chitaldrug District have recently been converted into Government institutions and the conversion of some more is under consideration.

(*b*)

	1920-21	1921-22	1922-23
Amount allotted.. ...	2,000	2,000	1,500
Amount utilised.. ...	1,770	1,750	1,500

(3) Boys—11,693; Girls—1,666.

Mr. Ramachandra Rao asked.

11. Will the Government be pleased—

(*a*) To lay on the table a list of Educational Officers permanent in grade Rs. 50—4—70 but who are acting or *sub pro tem* in grade Rs. 75—10—125, indicating their respective ranks in the two grades and giving reasons for variations in rank in the higher grade as compared with the lower; and also

(*b*) to state the number of officers in grade Rs. 75—10—125 who have reached the maximum and whether any steps have been taken or are proposed to be taken

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to remove stagnation in the maximum of this grade by an increase in the number of appointments on Rs. 150 especially in view of the fact that some of the officers were deprived of chances of promotion by the absorption of probationers into vacancies which occurred in that grade?

Mr. K. Matthan replied.

(*a*) A statement is placed on the table (*vide*, Appendix C.) The relative rank in a higher grade of officers acting in such grade does not necessarily follow their relative rank in their permanent grade, but depends on the date of selection to the higher grade.

(*b*) The number of officers who have reached the maximum is thirty-nine. To remove stagnation it has been proposed in the orders on the Education Memorandum to create a new grade on Rs. 125—10—175 and to provide forty appointments in that grade, but this has been deferred for want of funds.

Mr. M. Ramachandra Rao asked.

12. Will the Government be pleased to state—

(*a*) Whether they have perused an article in the issue, dated the 20th February 1923, of the Weekly Newspaper known as "The Kanara Leader" published in Komta (North Canara) regarding the conduct of the Mysore Forest Officers in detaining against their will some Kumri Mahrattas who came over to the Mysore borders from the Honavar Taluk about the year 1914-15 and who wish to return to their homes on paying back the sums due by them to Government?

(*b*) Whether the facts set out in the said Newspaper are true?

(*c*) If so, what action Government propose to take in the matter?

Rajamantrapravina Dewan Bahadur P. Raghavendra Rao replied.

Government have not perused the article referred to by the member, but from certain reports received from the Conservator of Forests who recently toured in these tracts Government have no cause to think that any such grievance exists.

Mr. G. Paramasiviah asked.

13. Will the Government be pleased to state—

(*a*) the number of officials that were deputed by Government from the Bangalore District for Shekdari Training in the year 1920-21;

(*b*) how many of them belonged to the backward communities and the communities to which they respectively belonged;

(*c*) the number of vacancies of Shekdari posts that have occurred in the Bangalore District since then;

(*d*) the number of those belonging to that batch who have not yet been appointed as Shekdars and the communities to which they belong?

Mr. K. Matthan replied.

(*a*) Four.

(*b*) Two. One Lingayat and one Mahomedan.

(*c*) The results of the examination were published in the *Gazette*, dated 19th May 1921 and the vacancies that occurred since then are:—

Three permanent. One long standing.	One leave vacancy. One temporary for 3 months.

(*d*) One. Lingayat.

NOTE—The candidate was offered the permanent Shekdari place in the Tarikere Taluk (Kadur District) held by one Anjaneappa, who was taken to this district as per Revenue Commissioner's No. 8928—21-22, dated 7th June 1922, but he declined the offer.

Mr. G. Paramasiviah asked.

14. Will the Government be pleased to state—

(*a*) The number of Veerasaiva students that were in the Central College Hostel, Bangalore, during the current year;

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(*b*) the dimensions of the shed which is being used by them for kitchen work, bathing and also for dining;

(*c*) when and at whose cost the shed was put up?

Mr. K. Matthan replied.

(*a*) Fourteen.

(*b*) Dimensions of the rooms are :—

Kitchen 7′ 10″ × 7′

Dining room 13′ 8″ × 7′ 10″

Bathing room 7′ 10″ × 5′ 4″

(*c*) The building was presented by the Mysore Lingayet Education Fund Association in 1917.

Mr. M. Ananthiah Setty asked.

15. With reference to the interpellation of Mr. Abdur Rahmon at the last meeting of this Assembly calling for information regarding the amount spent on the erection of buildings for the location of public offices during the period of five years from 1917-18 and the amount of rent paid during the same period for private buildings taken up by Government for the location of Public Offices, will the Government be pleased to state—

(*a*) If the statement called for is ready;

(*b*) If the practice of taking up private buildings for rent is not more profitable than the construction of new buildings for locating Government Offices, *i.e.*, if the rent paid for private buildings for locating Public Offices is not much lower than the sum-total of the amount of interest on the capital outlay incurred on the new buildings constructed for Public Offices, their maintenance charges and depreciation value, etc.?

(*c*) If the answer be in the affirmative, why the Government should not encourage private capitalists to come forward with suitable buildings for locating Government Offices, wherever necessary, for rent?

Rajamantrapravina Dewan Bahadur P. Raghavendra Rao replied.

(*a*) A statement showing the total amount spent on the erection of buildings to locate Government offices during the years 1917-1922 is placed on the table (*vide* Appendix D).

A statement showing the rents paid to the owners of private buildings for the location of Government offices during the same period is under preparation and will be furnished to the member when ready.

(*b*) and (*c*) No hard and fast rule can be laid down in the matter.

Mr. Mahomed Abbaskhan asked.

16. Will the Government be pleased to state.—

(1) The date on which the accounts of the generating stations at Sivasamudram and other places have been audited during the past five years;

(2) Whether the Government will be pleased to place copies of the auditors' reports on the table;

(3) Whether any defalcations have been discovered in any of the abovesaid stations or in any other section of the Electric Department; if so, to specify dates of such defalcations and the amount involved in each case?

Rajamantrapravina Dewan Bahadur P. Raghavendra Rao replied.

(1) The dates on which the accounts of the Generating Station at Sivasamudram and other sections of the Electrical Department were audited by the Comptroller of Mysore during the past five years are given in the statement placed on the table (*vide* Appendix E).

(2) Government see no reason to place copies of the auditors' reports on the table as they are not intended for publication.

(3) Yes, in the Bangalore Power and Lighting Section. T the member is invited to G. O. No. E. D. S. 313-16, dated 16th Ja

Mr. Mahomed Abbaskhan asked.

17. Will the Government be pleased to state—

(1) The number of landed properties declared for acquisition poses in the City of Mysore from the 1st July 1917 up to the end

(2) The number of such properties in respect of which proce ing compensation were pending on the 30th June 1917;

(3) The number of properties regarding which awards have declarations withdrawn from the 1st July 1917 up to the end of J

(4) The year of the oldest declaration pending disposal an cases relating to that year?

Mr. K. Matthan replied.

(1) 530.

(2) 1908.

(3) Awards have been passed in 657 cases and declaration 170 cases.

(4) 1904 and 7 cases, respectively.

Mr. Hosakoppa Krishna Rao asked.

18. Will the Government be pleased to state—

(*a*) How many appeals were filed before the Commissione Mysore and also before Government against the assessments ma Collector of Income-tax for the cities of Mysore and Bangalo 1921;

(*b*) How many of the appellants were given a hearing by and by Government, and what was the average number of cas during the days fixed for hearing;

(*c*) How many of these cases were rejected (1) by the C by the Government, on the score that there were no reasons to i decision of the subordinate authority;

(*d*) Whether with a view to give some sort of satisfaction put to trouble and expense in filing these appeals, Government w direct that the endorsements hereafter to be issued should, as far at least the principal grounds of appeal?

Mr. Mir Hamza Husein replied.

(*a*) 671 appeals to the Commissioner of Income-tax and 12 tions to the Government.

(*b*) All the appellants before the Commissioner were given not usual for Government to grant a hearing in cases of revision p to them. The average number of cases heard by the Commiss eight.

(*c*) 93 and 64 respectively.

(*d*) The reasons are generally given in the orders in appeal given in the endorsements to the parties. It is open to the parties of the orders.

Mr. Hosakoppa Krishna Rao asked.

19. Will the Government be pleased to state—

(*a*) What were the irregularities complained of before the sioners and the Government in the elections of members to the Assembly in the year 1922 from Seringapatam and Arkalgud Taluk

(*b*) Was there any enquiry in regard to the several allega was the result of the enquiry? Were all or any of the allegati steps were taken to remedy the

an replied.

(b) In regard to the elections in the Seringapatam Taluk, numerous received both by the Government and by the Deputy Commissioner. complaint was that the election proceedings did not commence at the that voters who wished to record their votes at the very commence- able to do so owing to the absence of the polling officer and that when er the polling had been closed. The Amildar who was the polling n the complaints were referred by the Deputy Commissioner, admitted on proceedings did not commence at the hour fixed. The Govern- at this had given room for complaint and accordingly directed a fresh held.

to the Arkalgud Taluk elections complaint of a number of irregu- ade before the Deputy Commissioner by Mr. Venkatasubbaiya, a Seringapatam, who was one of the original successful candidates of and whose election was set aside. The alleged irregularities were s' list had not been prepared as per election rules; that full description dress sufficient to identify the voters were not given; that objections ns in respect of the voters' lists which were filed before the Deputy were not disposed of; that notice of election was not issued in time rsons who were not duly qualified were allowed to take part in the the hour of election was not mentioned in the notice sent to voters; e instances of corrupt practice in the election proceedings by way of t hire to voters, etc., and that the Amildar had favoured some of the entering their names in the top of the list of candidates.

y Commissioner after a fulle nquiry into all these complaints dismissed petitions as being groundless. The party appealed to Government ning the Deputy Commissioner's report held that there was no ere.

a Krishna Rao asked.

the Government be pleased to state.—

re the electorates in which a fresh election to the Representative ordered this year and what are the reasons for cancelling the elections ch of the electorates and whether any opportunity was given to the d in the first instance to show the validity of such elections before side?

n replied.

nt furnishing the names of electorates and the reasons is placed on *de* Appendix F.)

ation is available as to whether the candidates first returned were e elections were set aside. The memorandum of instructions issued Commissioners of Districts for dealing with objection petitions, a copy laced on the table (*vide* Appendix G) does not prescribe such a

III. BILLS.

to make provision for regulating exhibitions by means of cinematographs.

TRAPRAVINA DEWAN BAHADUR P. RAGHAVENDRA RAO.—Sir, I beg to e be granted to introduce a Bill making provision for regulating means of cinematographs.

to explain briefly the necessity for legislation in the matter of regu- hibitions.

I deal with the object of the Bill itself, I think it may be of some e the life history of the cinema. In order to illustrate a well-known tics, *viz.*, the persistence of vision, a little instrument called a Zootrope wn to students of physics in the years gone by. This consisted of a

hollow cardboard or thin metal cylinder, free to rotate on a pivot. Slits were cut in the cylinder at suitable intervals and through these the pictures placed within the cylinder were viewed. When the cylinder was properly rotated, the impression on the eye was, not that successive phases of different moving subjects were seen, but the same subject going through the various phases depicted in it. As this was more in the nature of a toy, Edison, the great American inventor, introduced the Kinematoscope, in which a small film produced by photography, rotated at great velocity by a small electric motor and illuminated by a small electric bulb was used. This permitted, however, only one person seeing it at a time. In order to make this visible to a large audience, the idea of projecting the moving pictures on a screen with a more powerful apparatus, the bioscope or the mutoscope was invented. Cinema, movies, pictures, are all present day names for this apparatus.

The Bill itself is quite a small one having two main objectives—one to provide for the safety of the audience; and the other to prevent the exhibition of objectionable films. On the one hand, the inflammable nature of cinematograph films which are a form of celluloid, and the special danger of fire are the most important considerations; on the other, the evil effect of exhibiting to young people of both the sexes films, the subject of which especially, relate to forms of human depravity is a consideration which must appeal irresistibly to all responsible men and women.

This Bill is, therefore, intended to ensure the proper control of cinematograph exhibitions with particular regard to the safety of those attending them and to prevent the presentation to the public of improper or objectionable films. Besides, the especial danger from fire which attends cinematograph exhibitions as has been illustrated by terrible catastrophes due to this cause in other countries, render it important to secure, in the interests of the safety of spectators, a proper regard to the structural conditions of the premises utilised for the purpose.

The Bill accordingly provides that no exhibition shall be given except in accordance with the conditions of a license to be granted by the prescribed authority. This license is intended to ensure that the requirements of the Regulation are complied with and that adequate precautions are taken for the safety of persons attending the exhibition which it covers. The Bill also provides for the constitution of an authority which will be required to pass or to censorise, all films intended for exhibition in the State and will have power to refuse the necessary certificate in the case of any film the production of which in public, is open to objection for the reasons already given.

The Bill includes also the ordinary rule-making provision and enables the Government to exempt from the provisions of the law any cinematograph or class of cinematograph exhibition, *e.g.*, such as may be used for educational purposes. Finally it makes provision for the punishment of offences against the Regulation or the rules made thereunder.

The Education Board have also recommended the adoption of this measure which is based on the lines of the British Indian Act of 1917.

With the foregoing remarks, I beg to move that leave be granted to introduce the Cinema Bill.

MR. K. MATTHAN.—Sir, I beg to second the motion.

The motion was put to vote and carried.

2. Bill further to amend the Mysore Limitation Regulation.

MR. MIR HAMZA HUSEIN.—Sir, I beg to move for leave to introduce a Bill further to amend the Mysore Limitation Regulation, 1911. The amendments proposed in the Bill refer to the reduction of the period allowed under Articles 176 and 177 in the Third Division of the First Schedule for bringing on the record the legal representatives of a deceased party in suits and appeals filed under the Code of Civil Procedure. It has been felt that the period of six months from the date of death of the deceased party is too long and gives occasion for much unnecessary delay in the disposal of Civil disputes. The period of limitation in these cases has recently been cut short to 90 days in British India by Act XXVI of 1920. It is proposed to adopt the same period in our Limitation Regulation also. With these remarks I beg to move that leave be granted to introduce the Bill.

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MR. K. SHANKARANARAYANA RAO.—Sir, I beg to second the motion.

MR. PARAMASIVIAH.—As a matter of fact some of the Civil cases drag on for years, with adjournments of more than six months' interval. Therefore, the six months time as proposed in the Bill is too short a period, as the clients would not come to their lawyers until the next date of hearing, when the time fixed for filing of applications will have generally expired. For the above reasons, I oppose the introduction of the Bill.

MR. K. SHANKARANARAYANA RAO.—No practical difficulty will result by amending the Limitation Regulation in the manner proposed. As a matter of fact parties litigating before Courts in the Mysore State in the majority of cases will be in each other's neighbourhood living as they do in the same town, village or taluk and in the event of the death of any one of them the other will very soon have intimation of the same. There cannot therefore be any difficulty as apprehended by the previous speakers.

Further, even assuming that there is any delay in getting such information, adequate provision has been made in Order 22 Rule 9 to safeguard the interests of those who cannot make the applications in time as, in all cases where proper explanations are given for the delay in making applications, orders of abatement are set aside.

In such cases the Courts have always been very liberal and indulgent and I do not therefore believe that any real hardship would be caused to the parties by shortening the period as proposed.

MR. N. S. NANJUNDIAH.—Sir, I am not in favour of the Bill proposed to be introduced. In some cases the death of the party will not be known, and it will be more so, if the parties happen to live at long distances. In fact, some time back such a case did happen in an appeal preferred to the Chief Court and the party was not aware of the death of his opponent. In another case the appellant had died, and his relations were not aware of the fact of an appeal having been preferred by the deceased and the advocate in Bangalore did not know that his client had died. The public have not pressed the question and sought for a change. In my opinion the change is uncalled for and the matter may well be dropped.

MR. MIR HAMZA HUSEIN.—As a rule all our enactments are based on the model of British Indian Acts. There is one special reason for this procedure. Apart from the fact that the amendments brought into force in British India are suited to the times, it is to the convenience of the legal profession here that the present amendment is introduced, so that our enactments may correspond as far as possible to those of the British Indian enactments. We are always in the habit of referring to the decisions of the British Indian Courts and these decisions to a great extent have great weight and influence not only with the members of the Bar but also with the Judiciary as well. The Indian Limitation Act is one of the Regulations that is used in our Courts. Any difference in the provisions of the two Regulations will cause considerable inconvenience to the members of the legal profession.

The second reason that has induced Government to introduce this amendment into this Council is that often, delays have taken place on account of the indifference on the part of the persons prosecuting the cases in original suits as well as in appeals. It is not only the earnest desire of Government but also of the Chief Court that delays should be avoided as far as possible. It is not merely the convenience of the lawyers alone that has to be taken into consideration, but we have to aim at the speedy disposal of suits and delays in that direction are likely to bring the administration of justice into contempt. It is in furtherance of this object that in British India this Bill has been brought into force. The Chief Court who were consulted in the matter are also agreeable to the proposal.

As the Government Advocate has already said there would be no inconvenience, so long as cases are restored to the file, on proper cause shown. Under the circumstances the Bill may conveniently be introduced into Mysore. Government, however, do not like to press their views in the matter and they leave it to the members of this House to vote on the merits of the case as they please.

The motion was put to votes and the votes were 10 for and 13 against. The motion was lost.

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3. Bill to amend the Mysore Village Courts Regulation.

MR. MIR HAMZA HUSEIN.—Leave for introducing the Bill to amend the Mysore Village Courts Regulation of 1913 was granted at the last meeting of this Council and I now beg to move that the Bill be read in Council. The object of the Bill, as I stated on the last occasion, is to provide for the levy of Court Fees in suits filed in the Village Courts. The principle of the Bill having been accepted by the Council after considerable discussion it is unnecessary for me now to deal with the necessity for this measure.

The Bill consists only of one clause. It is proposed to substitute, for Section 67 of the Regulation under which plaints, petitions and vakalatnamas presented to Village Courts are now exempt from Court Fees, a new section empowering Government to direct the levy of a court fee, subject to the proviso that the fee shall in no case exceed half of what is chargeable in the case under the Court Fees Regulation.

With these remarks I beg to introduce the Bill.

MR. N. S. NANJUNDIAH.—I believe that at the time leave was granted to introduce this Bill it was understood that provision would be made for levying only one quarter of the fee prescribed in the Court Fee Regulation.

The motion was put to vote and passed.

Motion that the Bill need not be referred to a select committee was put to vote and passed.

4. Income-tax Bill.

MR. MIR HAMZA HUSEIN.—Sir, I beg to move that the Mysore Income-tax Bill together with the report of the Select Committee thereon be taken into consideration. As copies of the report have been placed in the hands of the members, I shall, in now formally presenting it to this Council, briefly explain only the important changes introduced in the Bill by the Select Committee.

I may first invite attention to Clause 5 of the Bill. The frame work of the Bill is based on the assumption that there will be a separate set of officers for Income-tax work. But the nature and quantity of income-tax work in this State do not justify the organization of an independent Income-tax Department. For a long time to come it should be possible for much of this work being attended to as at present by the local Revenue Officers. The clause has therefore been redrafted so as to provide for the continuance of the existing arrangements.

Next it will be noticed that Sub-clause (2) of Clause 7 as originally drafted made salaries received outside Mysore by a Mysore subject or an employee of the Mysore Government from the Government or from a local authority, chargeable to income-tax only if they were paid in any part of India and under sub-clause (3) of Clause 11 the liability to Mysore income-tax of professional fees received outside Mysore by a person ordinarily resident in Mysore, was subject to the like limitation. In the opinion of the Committee there is no reason thus to circumscribe the liability in these cases and they have accordingly amended the sub-clauses so as to bring within the purview of the Regulation all such salaries and professional fees wherever they may be paid.

As the present Income-tax Regulation allows the deduction of local rates and municipal taxes in determining the assessable annual value of buildings and lands, it is proposed to include this item in the allowances specified in Clause 9.

The Bill contemplates three classes of Income-tax authorities, *viz.*, Assessing Officers, Appellate authorities and a Revising authority, the last being the Commissioner of Income-tax instead of the Government, as is now the case. The Select Committee are of opinion that Government should retain their powers of reviewing the decisions of the subordinate Income-tax Authorities and with this object a new clause has been added after Clause 59.

Lastly, under Clause 66 as it originally stood, the fee paid by an assessee in connection with his application for a reference to the Chief Coust was refundable only if the Commissioner himself decided the question in exercise of his powers of review. The Committee have recommended that express provision should be made

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for the refund of the fee also in cases in which the decision of the Chief Court is in favour of the assessee. An additional proviso to this effect has accordingly been added under sub-clause (2) of Clause 66.

The other amendments proposed by the Select Committee call for no remarks, as they have been made with the object of improving the drafting of the Bill and do not affect its principle.

With these remarks I beg to commend the motion to the acceptance of this Council.

RAJASABHABHUSHANA DEWAN BAHADUR K. P. PUTTANNA CHETTY, C.I.E.—I was one of the members that constituted the Select Committee. We went very carefully into the several provisions embodied in the Bill. I need not say that I heartily support the Bill as revised by the Committee except in one particular. We have done well in adopting the same rules as are in force in British India. This House may recall that I raised my feeble voice in this Council against the imposition of super tax. But it was a cry in the wilderness. My arguments on that occasion, did not, perhaps, appeal to the members of this Council. Still I would like to record my protest so far as the provisions of the Bill relating to super tax are concerned and in this connection I should like to bring to the notice of this House that in England the supertax is imposed only on individuals and not on companies. The reason is quite obvious. A man that receives a large income is supposed to pay not only income-tax but also an additional tax on his income above a certain limit. This stands to reason. But when you are concerned with a Company which is made up of an aggregate of individuals, rich and poor and probably a greater proportion of the latter class, every one of them is made to pay the super tax, even those who are poor. For instance out of 200 shareholders in a company, only 8 or 10 persons who are rich and whose income is great would be liable to pay super tax. But when the profits of the company exceeds Rs. 50,000 all of them are made to pay that super tax. This is really taxing the poor people and not taxing the rich man. This practice may exist in British India, but the British Indian rule need not be a criterion to us. The effect of this rule in Mysore would be a hard blow on indigenous companies which have been started here with the capital raised in Mysore.

DEWAN.—Under the rules of discussion, the principle having been accepted, discussion at this state is not permissible. If the member wishes to bring out any amendment to the effect that super tax should not be imposed and exemption should be granted to indigenous companies, it may be done.

MR. K. P. PUTTANNA CHETTY.—All that I wish to say is that great hardship has been caused to indigenous companies and the imposition of supertax would be injurious to the promotion of new industrial enterprises. With this remark I support the Bill.

The motion was put to vote and was carried.

Amendments to be made to the Mysore Income-tax Bill as amended by the Select Committee.

MR. ABBAS KHAN.—(1) The section as it now stands lays down that persons who, in the opinion of the Income-tax officer, are liable to Income-tax shall be served with notices to submit the accounts of their business. My motion is to provide some kind of safeguard against the arbitrary opinion of the Income-tax Officer. Because, I believe, the information of the Income-tax Officer is always based upon the information of the subordinate staff of his Department and not based upon personal enquiries.

DEWAN.—The instructions of Government are that, as far as possible, personal investigation should also be made.

MR. ABBAS KHAN.—So far we have not come across a case in which the Income-tax Officer himself has made any such personal investigations, but on the other hand it has not been possible for the Income-tax officer to find time and patience to make these personal enquiries and investigations. If it is possible to make personal investigations and to have the notices issued under his personal directions, I have not the least objection and there would be no necessity for me to move the present amendment. Things are left to the discretion of the subordinate executive

staff whose sense of duty and mode of work are not of a high standard. I may be permitted to bring to the notice of this House that a number of petty traders and merchants in Bangalore who are living a hand to mouth existence and the sales in whose shops are not more than Rs. 8 or 10 per day, have been served with notices. Can it be said that in the opinion of the Income-tax officer these persons are liable to be taxed? Being illiterate these persons seek for the advice of the subordinate officers of the Department at whose instances notices have been served. Advice is readily given and the problems solved. What is the nature of advice and who is benefited thereby are questions which I am not in a position to answer. For obvious reasons I do not think it is necessary for me to place before this House the many instances that I am aware of, and I feel that it is undesirable that such a matter should be discussed in this Council. But I merely say that the business of these petty traders is very limited and the imposition of Income-tax on them is unjustifiable and the difficulties under which they are labouring can better be imagined than described. In order to prevent these hardships and to protect such people from any harassment from the officials of the Income-tax Department, I propose that the Income-tax Officer should be made to consult one or two leading men of the locality as to the persons upon whom such notices are to be served. In case of wealthy merchants and of men of big concerns no such consultation need be made. It is only in case of petty traders who are more or less left to the discretion and mercy of the subordinate staff of the Department that such consultation is necessary. Of course, my proposal does not interfere with the powers of the officer but on the other hand it would help him to arrive at a rational decision.

I beg to move this motion that no notices should be issued without such consultaion and I commend this to the acceptance of this Council.

RAO BAHADUR M. C. RANGA IYENGAR.—Sir, I beg to oppose the amendment. The Income-tax Commissioner may consult any number of people before the issue of notices and there seems to be no necessity for an amendment of the kind which has been brought before this House. There seems to be no necessity for the establishment of an Advisory Board. The formation of an Advisory Board on the other hand may be a positive danger. A statement of incomes is prepared and sent to the respective persons and if there is any hardship there is every opportunity for the aggrieved parties to represent the matter to the Income-tax Commissioner.

MR. MIR HAMZA HUSEIN.—This question was discussed in the Indian Legislative Council when Act of 1918 was introduced. After a good deal of discussion on the subject this question was vetoed. Some of the reasons given for vetoing were very weighty and I should like to bring some of them to the notice of this House.

"The proposed Advisory Boards would be exposed to conflicting influences, the sense of their duty to Government on the one hand and on the other, pressure implied or expressed on the part of the assessees, with many of whom they would necessarily have some personal or business relations. The position would be most difficult to sustain and it is generally believed that qualified men would be reluctant to undertake the task. The introduction of Advisory Board would tend to weaken the sense of responsibility of the official Income-tax Collector. The duties which he performs are necessarily of an inquisitorial and somewhat distasteful nature, and it would not be an altogether unnatural result if he should display a tendency to throw as much responsibility as possible on the shoulders of the Advisory Board."

I understand that Mr. Abbas Khan proposes that an Advisory Board should be associated with the assessing officer at the stage when notices are issued to persons who in the opinion of the Income-tax officer, are liable to be taxed. If any such Board were to be created and associated with the assessing officer, the work of the department is sure to be hampered. The work of Income-tax is not of an ordinary nature. It is of an exacting nature and he has to go into details. An Advisory Board which may be appointed, may not find time to attend to all the details connected with this work. The number of B. Notices issued during the year was 2,419. This means that it is not an easy work.

The returns that are submitted to the Income-tax Office cannot be taken at their face value. Appearances are deceptive and there are instances, where people having small and petty shops, but not giving the least clue of the real nature of

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their transactions, are making large profits. It is not an easy thing for the members of the Advisory Board to go and attend upon the Income-tax officer and to act at his bidding. The assessing officer's duty also becomes a difficult one and consequently the work of the department will suffer very much.

Under the circumstances it may not be possible to accept the amendment proposed by Mr. Abbas Khan.

MR. ABBAS KHAN.—The object of the present motion is to mitigate the difficulties of the poor and illiterate traders. There is one way how we could give them relief. In the first instance the leading people of the locality are to be consulted. If their opinion goes to show that these traders are liable to be taxed, the Income-tax Officer may take steps accordingly. If the opinion is that they do not deserve to be taxed, no steps need be taken to tax them. The information of the subordinate staff of the department will not always be advantageous to the Government.

The opinion of an Advisory Board would help the Income-tax Officer to come to a reasonable decision. This body need not be a permanent one and the Income-tax Officer need not consult the very same persons. This Board may be formed only for short periods and may be confirmed or dissolved after the expiry of the period for which they were appointed.

The number of cases in the Income-tax Department is so large and the work is so heavy that it may not be possible for the Officer to attend to all the details of the work, which are essential and there is every justification for the officer to say that it is not possible to make personal enquiries in this respect.

The opinion of the Board would not be binding upon the officer but a check of the kind would go a long way to avoid occurrences of cases which has been causing great hardship to the really poor and illiterate petty traders. The formation of an Advisory Board will not give room to the subordinates of the Department for unhealthy developments and it is in that spirit and more especially to safe-guard the interests of the poor and illiterate traders that this motion is brought before this House. Both in the interests of the public as well as in the interests of the department, the formation of the Board seems necessary.

DEWAN.—Since this amendment and the next one go together, both of them may be placed before the House.

MR. ABBAS KHAN.—I have no objection. To continue what I have been saying, what are the materials to exercise check if the Income-tax Officer fails in his duty to make an assessment properly? The work is bulky and heavy and it may not be possible for him to make personal enquiries. His failure to be in possession of correct information may be due to ignorance, indifference or the magnitude of his work. Consequently it becomes necessary for him to depend for information upon the subordinate staff of his department. If the assessment is excessive or unjustifiable there is no room for obtaining a remedy, because there is no appeal against his decisions.

DEWAN.—They have all the remedies at the earlier stages. The law has provided suitable safe-guards. The party may file a revision petition to Government.

MR. ABBAS KHAN.—I beg to state that the formation of an Advisory Board will not interfere with the powers of the Income-tax Commissioner or the Assessing officer. It seems that some kind of protection is absolutely necessary to the poor traders, most of whom are illiterate and it is not desirable that they should be left to the mercy of the subordinate staff of the Income-tax Department.

MR. C. S. BALASUNDARAM IYER.—It seems to me that Mr. Abbas Khan's proposal is somewhat of a nebulous nature. There does not seem to be any use if the members of the Board are to remain incognito. They will be in no different position from informants who furnish information under the cover of secrecy. If the income-tax Commissioner is not to be obliged to accept its advice there does not seem to be any use in having such a Board. This Board will not in any way improve matters. It is also difficult to see how a small Board composed of 5 or 6 persons will be in a position to deal with all the traders of the Bangalore City. As Mr. Abbas Khan has said, there may be some scope for the subordinates of the Department to practise corruption. Such practices must be put down only by the vigilance of the higher officers. If a subordinate officer of the Income-tax Department has unfairly and unjustly assessed a merchant, it is open to the

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aggrieved party to appeal to the Income-tax Commissioner. I think the existing system is a better one than that of an illusory Advisory Board. It may be admitted that the judgment of a body of persons is likely to be better than the judgment of a single man. But to merely have an advisory Board for consulting purposes whose opinion is not binding and whose names are to remain incognito, is not commendable and it would certainly create suspicion in the minds of the people. For these reasons, the motion deserves to be rejected.

MR. K. MATTHAN.—It cannot be understood what useful purpose will be served by the existence of a Board whose opinion may or may not be taken, whose constitution is secret, and is apparently to be unstable. If the members are a body of irresponsible men working secretly, the danger to the public would be all the greater.

As regards the safeguard of the interests of the small traders, who may not have maintained accounts or who may have failed to submit their accounts when called upon to do so, sufficient provision has been made under Clause 27 of the Bill.

The Bill provides very good safeguards against arbitrary decisions of the Incometax officer. It seems to me that the measure proposed by Mr. Abbas Khan would be worse than the evil which he proposes to remedy.

MR. ABBAS KHAN.—The question is not about the constitution. The point is as to how to prevent any possible mal-practices. This the hon'ble members seem to lose sight of.

MR. N. S. NANJUNDIAH.—SIR, the safeguards provided in the Bill as it is are ample. Besides the safeguards provided in Clause 23 of the Bill, there are further safeguards provided in Clause 27 as in the case of *ex-parte* decisions in Civil Courts. Clause 30 of the Bill provides for a further opportunity of an unjustice being rectified. If the assessee is not heard under Section 27, it is open to him to have the case reopened under Clause 30, as the appeal lies even against the order of refusal to reopen the case passed under Clause 27 of the Bill. In view of these provisions in the existing Bill, the proposed amendment seems unnecessary and serves no useful purpose.

MR. M. C. RANGA IYENGAR.—With reference to the second amendment I wish to point out that business men would always wish to keep all their records and affairs as strictly confidential as possible. The Government also have recognised the feelings of the merchants in this respect. No merchant or other business man wishes others (however respectable or intimate they may be) to know his pecuniary worth and income. I am sure Mr. Abbas Khan will agree with my views. I think that an Advisory Board is not desirable.

MR. K. CHANDY.—If a merchant has not maintained accounts and thereby could not submit the accounts to the Collector when called upon, there are sufficient safe-guards under Section 30 referred to by Mr. Nanjundiah. If evidence is produced that the non-submission of the accounts was due to the fact that the man maintains no accounts, there seems to be no trouble and the remedy lies with the Commissioner. If the decision of the Collector is adverse, he may appeal. Under the circumstances there seems to be no real difficulty.

MR. RAMASWAMI CHETTY.—This proposition of Mr. Abbas Khan has not been supported by any of the hon'ble members of this House except Mr. Vijaya Deva. It seems to me that it would be better for him to withdraw the amendment than press it for division. It is rather unfortunate that Mr. Abbas Khan did not consult us with regard to moving an amendment of this kind. It is not clear when and how often this Board has to meet and this seems to put the members as well as the Department into much difficulty and inconvenience. Unless the opinion of the Board is binding upon the Collector, I do not think that such a Board would serve any useful purpose. It is very doubtful, even if such a Board were appointed, that the members would go about collecting the necessary information. I feel it is worth while for Mr. Abbas Khan to withdraw his proposition.

MR. M. ANANTHIAH SETTY.—Sir, I agree with Mr. Abbas Khan in thinking that some check is necessary to prevent the arbitrary taxation by the Income-tax Officer.

As the Regulation is now framed, Section 23 clause 2 empowers the Income-tax Officer, if he has reason to believe that the return made by any assessee under Section 22 is incorrect, to require the assessee to adduce evidence on which he may

rely in support of the return made by him and to assess the total income of the assessee and determine the sum payable by him on the basis of such assessment. In this there is danger of such power being used by the Income-tax Officer of taxing the persons according to his whims and fancies.

As per provisions of the Regulation every person is bound to give on oath the correct statement of his income. Section 52 of the Regulation provides punishment for any false return made in declaration which is required to be verified by the person making the return and this provision acts as a safe-guard against any false return being made by any assessee. I therefore think it would be better to provide in the Regulation that if the Income-tax Officer considers any return made under Section 22 of the Regulation incorrect, the burden of proving by satisfactory evidence that the return is incorrect should be on the Income-tax Officer and if he so proves, he can then assess the total income and determine the sum payable.

This procedure, if adopted, would no doubt act as a healthy check on the arbitrary assessment by the Income-tax Officer.

DEWAN.—Government have every sympathy with the mover of this amendment and I agree with him that we have to administer the Income-tax Act with every care so as to cause the least hardship. A statutory provision like the Advisory Board proposed by Mr. Abbas Khan, however, will, I fear, place the Income-tax Department in an extremely difficult position. The number on the Board, its constitution, the procedure to be followed, the statutory powers, are all matters raising many practical difficulties. I have found during my recent tour one instance in which a Municipal Chairman was consulted by the assessing officer and he in turn consulted a non-official friend and later they both actually prepared and sent an assessment list. If the assessees knew of the procedure, they would surely have objected. No one likes his private business affairs being discussed by others and publicity being given to them.

During my Malnad tour I received a complaint that the Income-tax Department was sending notices in the form of post-cards and they strongly objected to such a procedure and desired that such notices should be sent in confidential covers marked 'confidential.' The duties of an assessing officer are of an inquisitorial nature. Advantage will be taken by the rivals and it would become extensively inquisitorial. All this goes to show that there is another side of the question and that any advice outside departmental enquiry will lead to undue publicity and cause dissatisfaction. I hope Mr. Abbas Khan would leave the matter in the hands of the officers of Government to whom instructions have been given to make confidential personal enquiry.

In view of the declaration of this policy of Government, it is hoped that Mr. Abbas Khan will withdraw his amendments.

MR. ABBAS KHAN.—The penalty proposed in the Bill to which an assessee who has failed to pay the amount of income-tax is liable, is very excessive. The penalty under the Bill for one who deliberately submits inaccurate accounts is comparatively small. In the case of land revenue only 6 per cent is charged. If the amount of assessment is Rs. 1,000, the maximum penalty for default as proposed in the Bill is also Rs. 1,000. This is excessive and unjustifiable.

MR. PARAMASIVIAH.—I beg to second the amendment.

MR. MIR HAMZA HUSEIN.—The existing rules, as they are, are advantageous. The penalty in the 1st instance is only one per cent and it is only in cases of second default, a higher penalty is imposed. None can sympathise with such second defaulters. Even then I do not think that any Judge or a Magistrate would impose the maximum punishment in such cases.

The object of the proposed amendment will be achieved when the new rules are issued.

MR. ABBAS KHAN.—I wish that Government would be more considerate. I propose that only 25 per cent of the amount of assessment be imposed as penalty in cases of defaults. I leave the matter to the sense of the House.

The amendment was put to vote and was lost.

MR. MIR HAMZA HUSEIN.—I beg to move that the Bill as amended be passed at a subsequent meeting of the Council.

MR. K. SHANKARA NARAYANA RAO.—Sir, I beg to second the motion.

The motion was put to vote and passed.

5. Bill to provide for suits against Government. 287

MR. MIR HAMZA HUSEIN.—The Bill to provide for suits against Government, which I had the privilege of introducing at the last meeting of this Council, has since been considered by the Select Committee and they have recommended its acceptance subject to certain modifications. The most important change made by the Select Committee is in connection with sub Clause (f) of Clause 2. This sub clause refers to suits for compensation for injury to person or property caused in any business concern managed by Government. As originally worded this sub clause would make the position of Government in regard to their liability to pay compensation in such cases worse than that of a private employer in that it would permit claims for such compensation irrespective of the injury arising from negligence or not. It is evident that the wording of the sub-clause is defective. The select Committee have therefore revised it so as to limit the liability of Government to cases of injury due to wrongful act, neglect or default in the management of any industrial concern owned by Government.

The Select Committee also desire that the Bill should come into operation as soon as it is passed into law and they have accordingly proposed the addition of the words "at once" at the end of sub-clause (iii) of Clause 2.

With these remarks, I beg to move that the Bill together with the Report of the Select Committee be taken into consideration.

MR. K. SHANKARANARAYANA RAO.—I beg to second the motion.

The motion was put to vote and passed.

MR. H. KRISHNA RAO.—The amendment is very important in asmuchas it raises a question of vital issue when the Government is involved in the management of a business concern and where a partnership is entered into or large private capital is invested and which, due to much mismanagement and negligence on the part of officers appointed by or nominees of Government, fails.

The public or individuals concerned with the same may have opportunities to sue Government and make good what has been lost and put restraint on Government and thus effect a steady and progressive life to it instead of the parties concerned standing the chances of ruining themselves.

If the Bill were to be passed as it emerged from the Select Committee without giving to it the benefit of this amendment a double peril will be sure to stand and neither party will care to see that the business progresses.

Instances, there are, which I do not want to multiply and I only wish to draw the attention of this council to the affairs of Tirthahalli Tile Factory. Both the Government's and the public money have been wasted more due to negligence on the part of Government officers to give it sufficient encouragement and the people concerned could not make good the large capital involved in the concern for want of a provision like this. The Government position will not be changed with the mere passing of the Bill as it came out from the Select Committee. It is aiming at making Government officers realise the dangers of their being indulgent in matters where public and Government capital is involved and making Government, in their own interest, to have strict watch over the conduct of their officers which, without this amendment being accepted and incorporated in the Bill, cannot but multiply instances as the one referred to already.

It is likely that the Government may contend that in affairs of this kind, they act only as agents of the company. The fact should be clearly borne in mind that Government cannot absolve themselves of their responsibility where Government voluntarily and forcibly takes control of a business where both are interested and they cannot be agents in so far as they have taken initiative in the matter. This distinction ought to be taken into account. It is more to provide for cases like this this amendment is proposed and I trust I will have the support of this council. With these words I beg to commend this amendment for acceptance of the Government.

MR. N. S. NANJUNDIAH.—The word "managed" would be more comprehensive than the word "owned." The liability should not cease as long as the management of the concern rests with the Government. The word used in the original Bill was "managed" and its retention is preferable to the substitution of the word "owned." I support Mr. Krishna Rao's amendment.

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Mr. G. PARAMASIVIAH.—I beg to oppose the amendment. There is no reason why Government should be held liable for injuries caused to persons in private concerns, merely for the reason that they have taken over the management of the concerns. Generally we are not going to claim any damages from the manager of a concern but we hold the concern itself primarily responsible.

RAO BAHADUR M. C. RANGA IYENGAR.—Government may manage a concern with the consent or at the request of the owner, in which case the Government will be clearly, only an agent, and has only the rights and liabilities of an ordinary agent.

There are also circumstances in which the Government takes coercive possession of a concern and manages it. For instance, an undertaking is started and the Government lends money and the money is not paid to Government. Then the Government takes possession of it forcibly. In the latter case Government is practically the owner and incurs all the liabilities of an owner.

DEWAN.—On account of non-payment of a loan for which the whole concern has been mortgaged the Government steps in. They then become the owners. They take possession through a Court of Law after the passing of a decree. The Government cannot do this without getting the order of the Court. There are no instances in which, having advanced money to an industrial concern and recovered the loan, the Government have taken possession of the concern.

MR. K. MATTHAN.—This is really a question of providing a remedy for damages caused where none now exists. In the case referred to by Mr. K. R. Srinivasiengar there is a remedy already provided by law. It is only in cases where there is no remedy that something has to be done. The question is not one of substantive law, or of creating a new liability. It is only one of providing the machinery of right of suit in respect of existing liabilities.

MR. H. KRISHNA RAO.—When there are sufficient regulations to safeguard the injuries caused, why should there not be sufficient provisions and laws due to the mismanagement of the Government. In such cases provisions should be made for suits being filed against Government with regard to damages, losses and injuries caused in the concerns managed by Government.

DEWAN.—It is not fair to provide for suits against the management on account of an individual's mismanagement and negligence.

The amendment was put to vote and was lost, three voting for and eighteen against.

MR. MIR HAMZA HUSEIN.—Sir, I beg to move that the Bill be passed at a subsequent meeting

MR. K. SHANKARANARAYANA RAO.—Sir, I beg to second the motion.

The motion was put to vote and passed.

6. Bill to amend the Code of Civil Procedure.

MR. MIR HAMZA HUSEIN.—Sir, the report of the Select Committee on the Bill to amend the Code of Civil Procedure calls for no remarks as the amendments proposed by the Committee are all of a verbal character.

I beg to move that the Bill together with the report be taken into consideration.

MR. K. SHANKARANARAYANA RAO.—Sir, I beg to second the motion.

The motion was put to vote and passed.

MR. MIR HAMZA HUSEIN.—Sir, I beg to move that the Bill as amended be passed at a subsequent meeting.

MR. K. SHANKARANARAYANA RAO.—Sir, I beg the second the motion.

The motion was put to vote and passed.

7. Bill Further to amend the Mysore Municipal Regulation.

MR. MIR HAMZA HUSEIN.—Sir, I beg to move that the Bill further to amend the Mysore Municipal Regulation, together with the Report of the Select Committee thereon be taken into consideration. This Bill, the Council will remember, is the result of the recommendations of the Committee appointed by Government in

the year 1918 which was presided over by Dewan Bahadur Puttanna Chetty. It was introduced into the Council by my learned colleague Rajamantra Pravina Dewan Bahadur P. Raghavendra Rao, in March 1921. The report of the Select Committee which was presided over by my learned colleague was published and circulated to the members about a year ago, but it was not presented to the Council until now, as the question of consolidating all the enactments governing Municipalities was under the consideration of Government and it was thought desirable to incorporate these amendments also in the Bill to be prepared for that purpose. It is now over 16 years since the Municipal Regulation was passed and numerous amendments have been made by separate enactments to bring the law into conformity with the policy of Government from time to time. The necessity for a consolidated Regulation is therefore apparent. But it is a question of time and meanwhile the urgency of passing the present Bill into law has been pressed upon the attention of Government. The Bill, which has passed the Committee stage, is accordingly now placed before the Council for consideration.

From the report of the Select Committee it will be seen that the Bill has undergone considerable revision. But most of the changes made are merely drafting amendments which call for no remarks. There are however some amendments of a material nature proposed by the Committee, on which I would like to say a few words.

The Committee recommend the deletion of sub-clause (9) of clause 4 enabling Municipal Councils to frame bye-laws for regulating traffic in streets. This sub-clause was inserted chiefly with the object of enabling Municipal Councils to take action for the regulation of traffic in streets which is as much a municipal as it is a Police function. But the Committee have expressed the opinion that it is more appropriate to take power in this respect under the Police Regulation.

Clause 5 of the original Bill, the members will recollect, provided for the introduction of Municipal Government into alienated villages subject to such orders as the Government might think fit to pass in regard to the right of the holders of such villages to the enjoyment of any revenue which would otherwise wholly become part of the Municipal Fund. The Committee consider that the constitution of such villages into Minor Municipalities under S. 187, subject to a limited operation of Municipal Regulation, would meet the case.

With reference to clause 9 relating to the resumption and resale of a building site by the Municipality for default in constructing a building thereon within the prescribed time the Committee have proposed that the resale should not affect the rights under encumbrances created before this new provision becomes law. But, while the principle of this amendment may be accepted, it is necessary also to see that no risk or inconvenience is caused to the Municipal authorities in cases in which payment is made to the owners in ignorance of the existence of any encumbrance therein.

It will be noticed that the Committee desire that this power of resumption should be given by the Government individually to such Municipal Councils as they think fit and also that it should be subject to such condition as the Government may prescribe in each case.

Lastly, the Committee have accepted the view of Mr. B. V. Ramaswami Chetty and amended clauses 11 and 12 of the Bill so as to vest in the Municipal Council, instead of in the president, the authority to grant licenses for the erection of factories, workshops and the like and for the use therein of sirens, whistles, etc., operated by mechanical power.

With these remarks, I beg to move that the Bill with the Report of the Select Committee be taken into consideration.

MR. K. P. PUTTANNA CHETTY.—Sir, I beg to second the motion.

MR. ABBAS KHAN.—My motion is that the Sub-sections 1 and 2 of Section 98 A, as amended by the Select Committee be omitted; I mean Section 98 A which comes under the heading "resumption of the sites not built upon during the prescribed time".

Sir, with your permission, I beg to read the section to which I take exception to. The section as it stands runs as follows:—

"Where the term prescribed or extended as the case may be, under any bye-law framed by a Municipal Council in this behalf, for the construction of a building on

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a vacant land has elapsed, and no substantial progress has been made in the construction of the building according to the approved plan by the grantee, purchaser or transferee of the site, it shall be competent for the Municipal Council to resume the site with any building existing thereon, after giving the owner of the land; or if the owner cannot be found or ascertained, the person in possession, such notice as the Municipal Council may fix in this behalf and to dispose of the same by public auction or otherwise for building purposes after publication of a notice to that effect in the official gazette not less than three months prior to the date fixed for the sale. On such resumption, the land together with the building, if any thereon, shall vest in the Municipal Council free of all encumbrances excepting those, if any, in favour of Government and those created before the passing of this Regulation, the latter not having any priority over Government or Municipal claims, created by the owner or any person claiming from him, subject, however, to the proviso that such owner or person claiming from him or the mortgagee, as the case may be, shall be entitled to payment from the Municipal Funds of the amount realised by the Municipal Council from the disposal, less any charges incurred for such disposal and resumption."

Sir, in my opinion, the enactment of a measure of this kind is calculated to invade the private rights of citizens. It is opposed to the principles of legislation. It is the sacred duty of the legislature to frame laws and regulations to protect persons and property of private citizens and not to invade them. If a property is required for a public purpose by a Municipal Council, it must have recourse to the provisions of the Land Acquisition Act; or if a Municipal Council is of opinion that the conditions upon which the license is given have not been fulfilled to the satisfaction of the Municipal Council, it must approach a Civil Court and seek its remedy there. It cannot assume the supreme authority of a judge and pass judgment on the fortunes of other people.

The Municipal Council should not be permitted to interfere with the private rights of a citizen. The section as it stands and the powers proposed to be given, are in my opinion, highly arbitrary and the working of these powers by the subordinate staff of the Municipal Council will cause considerable annoyance to the people and give rise to much mischief and also litigation. Further this would prevent needy owners of sites to raise loans upon their property. The reason given in the objects and reasons of the Bill is that sites have been purchased for speculative purposes. I am not prepared to admit that fact. There may be one or two instances in which the people might have purchased for speculative purposes but that should not be taken to serve as authority. In the majority of cases, the purchasers have been *bona-fide* purchasers, and if buildings have not been constructed on the sites, I think the fact is due to the conditions of the market. Now in the City of Bangalore, the value of the sites, and houses has fallen to a considerable extent and there is the depression in trade, dullness in market and the cost of both labour and materials is still very high. If a poor citizen whose ambition is to have a house of his own is not able to construct the house for these reasons, within the specified time, are we justified in forcing him to construct it within the prescribed time at the risk of losing the site itself? This is my point of view.

And then, I do not think, anywhere in India any Municipal Council has been vested with powers of this character which in my opinion are very questionable and irrational. One of the reasons assigned in the Bill is that the resumption becomes necessary in order to prevent such sites becoming a source of nuisance to the neighbours. But there are provisions existing in the Municipal Regulation which are quite sufficient to deal with such cases effectively. With your permission, I read Section 131 of the Municipal Regulation. It runs like this:—

Section 131 of the Municipal Regulation.

"Whoever, being the owner or occupier of any building or land whether tenentable or otherwise suffers the same to be in a filthy and unwholesome state, or in the opinion of the Municipal Council a nuisance to persons residing in the neighbourhood or overgrown with pricklypear or rank and noisome vegetation and who shall not within a reasonable time after notice in writing by the Municipal Council to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall be punished with fine which may extend

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to Rs. 25 and with further fine, which may extent to five rupees for every day on which the failure to comply with the said notice is continued, after the date of the first conviction."

On the face of this provision where is the need for new rules, and the argument that the sites must be resumed in order to prevent them from becoming a nuisance is not tenable. The section further authorises the Municipal Council after the resumption of the sites to dispose of them by public auction or otherwise. I believe "otherwise" necessarily means by private negotiations. In the absence of any criterion whereby the value of a site could be determined, I beg to submit that private negotiations are always disastrous to the interests of private men. Besides it seems to me that the Bill is defective in one particular aspect. It does not provide what course the Municipal Council have to adopt in case if they are not able to effect the sale of a site either by public auction or by private negotiations. The section is quite silent.

MR. MIR HAMZA HUSEIN.—It is included in the word "otherwise", either by public auction or by private negotiation.

MR. ABBAS KHAN.—In case a Municipality fails to effect the sale of a site is it to be assumed that the owner of the site has to forfeit his property for the benefit of the Municipal Council as a penalty for having failed to construct the house? I hope this is not the intention of the section. How then is the man to get the value of the site? Is the Municipal Council going to pay its value out of its funds and if it does, the very object for which this measure is intended would be defeated.

There is another thing for serious consideration. The section says that if substantial progress is not made in the construction of the building it is competent to the Municipal Council to resume the site, not only the site, but the buildings that exist thereon. The buildings may be out-houses, kitchens, godowns and the foundation of the main building or even partly built buildings. All these arbitrary powers to the Municipality to resume the sites and the buildings thereon, are in my opinion, very unjust. By doing so we will be inflicting great hardship on the poor people.

Further, there is no provision in the Regulation as to the ascertainment of the amount spent by the owner, absolutely no provision. All that the section says is that the Municipality has to resume and sell it away with the buildings, probably for whatever price they may think right.

The market conditions are such that in the City of Bangalore if vacant sites are sold now they may not fetch any value and then to meet this contingency what is the course adopted by the Regulation? The section is silent. In my opinion, the new section is calculated to invade the private rights of citizens and I am afraid this measure may provoke wanton conflict with the people. I humbly submit that the sub-sections 1 and 2 of this new section, may be deleted. This is my motion.

MR. G. PARAMASIVIAH.—I beg to second the amendment, and in so doing, I wish to state that, as we know, many of the buildings in the extensions before they are being completed, are subject to more than one encumbrance, on account of the poverty of the owners of the sites and some other inconvenience over which they have no control. The one result of enforcing such a rule as is contemplated, will be to seriously undermine the value of the sites, which have already been disposed of unconditionally by the Municipality to private individuals. It is not fair on the part of the Municipality to levy conditions now, after realising the maximum value of the sites. If they want to impose these conditions, they are at liberty to do so in regard to the sites which have been sold at concession rates, and those sites which have been sold for fabulously high prices in public auction should not be interfered with. It is against all principles of full ownership guaranteed at the time of sale. For these reasons, Sir, I strongly support the amendment proposed by Mr. Abbas Khan.

MR. B. V. RAMASWAMI CHETTY.—Sir, I strongly oppose the amendment. Originally sites were being sold away without any conditions. But now they are given subject to certain specific conditions and it is only after these conditions are fulfilled that the property would be sold and the sale deed executed. If the conditions stipulated in the agreement are not fulfilled by the persons buying the sites

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the Municipality has a right to resume the sites and I am of opinion that no injustice will be done by the Municipality in resuming such sites.

Sir, all along, poor people have been purchasing sites with the *bona fide* object of building houses. It is only the rich that are sinners in this respect. They purchase a number of sites with the object of selling them away when tempting offers come, but as they did not get such offers they have kept them vacant. They do not care to build houses on the sites.

It was stated by the mover of the amendment that the times are very hard, that the people are subject to great hardship, and that it would not be right to resume the sites now. As a matter of fact, even the Government is subject to financial stringency. Owing to the great war certain people have really suffered great losses. But it is not right to say that all people have lost heavily and are poor.

As the rules stand at present the Municipalities have no hold on persons who do not care to construct houses on their sites. They (sites) have become a source of nuisance to the people residing in their neighbourhood. If in spite of the orders of the Municipality, the owners still persist in keeping sites vacant, the Municipality should have power to resume the sites, dispose of them by public auction or otherwise and hand over the proceeds (deducting the expenses connected with the sale) to the owner, or to the mortgagee if the land has already been mortgaged.

I am of opinion that a provision of this kind is a very salutory one and is absolutely necessary.

MR. M. C. RANGA IYENGAR.—Honourable Members who have spoken before me have spoken with intimate knowledge of the city of Bangalore. I cannot speak with the same amount of authority with reference to the conditions of Bangalore. But with reference to the conditions of the City of Mysore, I may claim to speak with a certain amount of authority, because I was connected with the Mysore City Municipal Council for 20 years and the Trust Board for over 14 years. In Mysore when sites were sold either by public auction or by private negotiation by the Municipality or by the Trust Board, conditions were imposed as to the time within which the work should be started and the building completed. At the same time, there was also a condition stipulated that the site should not be considered to have been sold outright to the purchaser unless and until the building is completed and the sale deed is executed after the completion of the building. The so-called purchaser was until completion of the building a mere licensee and could neither alienate, nor create encumbrances on the site so as to bind the Municipality or the Trust Board.

There is now considerable demand for sites and both the Municipality and the Trust Board find it very difficult to meet the demand. Gentlemen who purchased sites for speculative purposes did not build upon them and when the Municipality or the Trust Board wanted to enforce the terms, various difficulties came in the way. My recollection is that Government was moved repeatedly by the Mysore City Municipal Council and also by the Bangalore Municipality, to take some drastic action.

In the course of your several official visits to Mysore, you must have noticed that a large number of sites are not built upon for over 30 years after they were sold. While sites which are situated in the heart of the City have not been built upon, thousands of applications are pending disposal before the Municipality and the Trust Board and these two bodies have found it difficult to meet the demand. Still sites are lying unbuilt upon.

There has been no means to compel the purchasers of these sites to build upon the sites. The owners of the sites will neither build houses nor let others build; nor allow the municipality to sell the sites to others. Unbuilt sites continue to be a source of annoyance to the neighbourhood. Mr. Abbas Khan stated that there is provision in the Municipal Regulation to prevent nuisance being committed in the sites unbuilt upon, but there is nothing to prevent nuisance being repeated. Some action will therefore have to be taken.

Now, thousands of persons are in need of sites, and it is not possible to provide them with fresh sites. Therefore, there is absolutely no fear, when these are sold, that they will not fetch fair prices.

Mr. Abbas Khan said, that the value of sites has gone down, but it has not gone down below the original price paid by these purchasers. Sites were originally sold at prices ranging from half an anna per square yard to two annas per square yard. To-day, they are worth from four to five rupees or at least from two to three rupees per square yard. Still, it is several times more than what is paid by the purchasers and they do not lose by being compelled to part with them.

I am of opinion that provision of the kind contemplated is very desirable and is calculated to further the interests of the Municipality.

MR. ABDUR RAHMON.—I am sorry that Mr. Abbas Khan has not read the notification recently published in the *Mysore Gazette*. There are sites over which even the assessment has not been paid by the owners. Numberless notices have been issued to owners but they are not forthcoming, and we do not know their whereabouts.

Sites which have been sold long long ago for Rs. 25 have not yet been built upon. In a certain case, where the site was wanted for a public purpose, the Land Acquisition Officer awarded Rs. 1,400 to a site costing very much less than that, but the man never came forward to part with it even at that price. The man was not satisfied with the award made, and has now referred the case to the Court. He bought the site for Rs. 25 some years ago and he is not satisfied with an award of Rs. 1,400. The case is yet pending in the District Court.

There are a number of sites on which we cannot collect even the assessment as the owners are not to be found. Daily a number of complaints from the people about the growth of lantana, snake bites, etc., is received and we have to take the responsibility of the sites sold some 20 years back and the people do not want to take care of their own lands. In many cases, the value of sites has not been paid in full. We have put up notices (three notices). Our attempts for the recovery of the cost of the sites or to get the assessment of the sites have proved fruitless and this due to the absence of any provision in the law.

This provision does not immediately affect the purchasers of the sites who purchased them long ago.

There are persons who own more than 8 or 10 vacant sites. They have become the haunts of all sorts of reptiles. In order to prevent all these things, and to see that some income is received by the Municipality either in the shape of assessment or taxes on buildings, this provision is most essential. Unless we go to the Civil Courts, there is no course open. It is not possible to find out the owner.

It is already a month since notices were issued stating that sites would be resumed if the agreements entered into by the people with the Municipality are not fulfilled. Two months have already passed and no drastic steps have been taken. All these are attempts to recover assessment, and the cost of sites, etc. If people are not able to construct houses, let them sell the sites away to others who are willing to construct houses upon them. It is not possible for the Municipality to take care of these sites any longer. Every year the Municipality spends nearly Rs. 5,000 for maintaining a temporary establishment for clearing lantana, etc., from these sites. It is a waste of public funds. The Municipalities are at their mercy because there is no such regulation which can force the hands of the Municipality to make the people come round and do some work.

Therefore, I oppose the motion of Mr. Abbas Khan and I want to retain the provision. This is very good and very useful to the people also so that they may at least help their neighbours by selling the sites to those who are in need of them and who will build houses upon them.

MR. G. PARAMASIVIAH.—May I know whether this Bill is made applicable to bungalows with vast compounds? I mean bungalows with spacious compounds not properly looked after.

DEWAN.—There is no separate clause for bungalows.

RAO SAHIB H. CHENNIAH.—Sir, I beg to support the motion of Mr. Abbas Khan for the following reasons:—

The motion has to be considered from different points of view, that is, with regard to the particular municipalities in which the sites are situated, or with regard to extensions of such municipalities to which they may belong. I am speaking with some knowledge of sites in Bangalore.

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My Hon'ble friend, Mr. Ranga Iyengar, said that there was great demand for sites in Mysore, and that the vacant sites could be sold for very high prices even in these days. But in Bangalore, sites in the extensions formed originally, were sold for the nominal value of Rs 20 or 30 or Rs. 100. In other extensions of recent formation the prices were slightly higher. In the latest extension formed, *viz.*, Visvesvarapuram Extension, sites were sold at abnormally high prices. They fetched about Rs. 3 to 8 per square yard. Building sites were sold for 8,000 to 10,000 rupees each. It is not in all cases that people buy sites for speculation. In the majority of instances, I think they were purchased for the use of the purchasers themselves, *i.e.*, for building residences for their own use, and if they do not construct buildings, it is not to evade the rules, but for other reasons. It would be very hard upon such owners especially, if they should be liable to be resumed, simply because they were not able to construct buildings or after having commenced, they were not able to complete them.

DEWAN.—This question is not intended to have universal application. Please see clause 2 proviso, for conditions prescribed by Government on this behalf. Your remarks apply to certain cases which perhaps Government may think fit to exempt.

MR. H. CHENNIAH.—If there are sites on which taxes are due or part of the purchase money is due, provision may be made for the resumption of the sites. I think the Municipality will not be justified in resuming the sites on which the full price has been paid, simply because they have not been built upon.

Mr. Abbas Khan has already given very good reasons and I support the motion.

MR. C. S. BALASUNDARAM IYER.—I should like to say a few words on this subject. This raises an important problem of Municipal Administration. We are not dealing with Bangalore and Mysore alone, but also with all other municipalities. In smaller towns we find that there are a number of vacant sites overgrown with rank vegetation and houses in all stages of dilapidation and used by all sorts of people for all sorts of purposes. In many cases, as other members have said, the owners can never be found and the Municipality can take no action whatever and deal with them in any manner, satisfactorily. And on the other hand there is a dearth of houses. People want to build houses for which the municipality has got to acquire fresh lands and to lay out further extensions. It seems to me therefore that it is very necessary for efficient Municipal Administration that such vacant sites within the town area should be built upon. Some provision to bring pressure on the owners and to force them to build houses on the vacant sites should be made in the Regulation.

One may ask, where is the difficulty of extending? It is no doubt easy enough to extend the towns but as civilised administration progresses, we want numerous conveniences—problems of lighting, conservancy, water-supply, and the more scattered and extended a town is, the more difficult it is to tackle with these problems satisfactorily. Therefore, it is absolutely necessary for the municipality to have some powers, some measure by which pressure could be brought upon the owners.

My own feeling is that this provision does not go far enough. It is very restricted in its scope as it applies only to sites sold under certain conditions. It would be equally necessary to have a much wider provision to cover the cases of all vacant sites. So far as this restricted provision is concerned there is no doubt about its utility and necessity.

MR. K. P. PUTTANNA CHETTY.—Sir, there is a long history behind this question. The Mysore State is among the first in India to start what are called extensions in towns for relieving congestion. Lands were acquired outside the city, roads were laid out, drains were constructed and the sites were sold to people. The first extension was Chamarajendrapet, named after His Highness the late Maharaja in 1885. Then sites were sold at Rs. 25. This Council is fully aware that there are still hundreds of sites in that extension not built upon and the municipality does not even know the names of the owners because the sites have changed hands a number of times and they are not able to recover either the assessment on the sites, or the vacant site tax. Secondly as Mr. Abdur Rahmon pointed out, they have been obliged to put a notification in the gazette stating that if the owners do not come forward in a certain period of time, the Municipality will resume the sites.

The vacant sites are a standing menace to public health in that part of the town. In the other extensions, Basavangudi, Malleswaram, Visvesvarapuram and Gavipuram, all the lands were sold under certain conditions. These conditions received the sanction of the Municipal Council and that of the Government of His Highness the Maharaja and published in the Gazette and then the sites were put up to public auction. The bidders bought them with their eyes quite open. They knew the conditions, but many of the sites in the Basavangudi and Malleswaram extensions are still unbuilt, and the municipality has been unable to enforce the conditions of the sale of these sites. Of course, it has been said that one of the conditions was that the sales of the site were not absolute until houses were built. But how to enforce it? The buyers pursue what is called the "dog in the manger policy." They would not build, nor would they sell the site to others who are anxious to build. There are many people willing to buy, not at the prices demanded by the avaricious owners, but at the price at which they bought originally, plus some profit. This has been the experience of both Bangalore and Mysore. My friend Mr. Abbas Khan is very solicitous about the poor people. I am also so. It is not the poor people that give us trouble, but the men who have got several sites and men that know their rights and men that put the machinery of the law into motion in order to defeat the intentions of the municipality.

What is the object with which the municipality opens extensions? The prominent consideration on which extensions are started is that houses may spring up as soon as possible.

In a certain case, a gentleman bought a site for 25 rupees and the same is now worth 1,400 rupees and the man has not moved his little finger to improve the site. He is not paying even the taxes. I think this is the case Mr. Abdur Rahmon mentioned. The case has been referred to Court and the Court is sure to pay Rs. 1,400 or even Rs. 2,000. Not only in the City of Bangalore, but also in Mysore, similar problems have been clamouring for solution for a very long time. This should have been done years ago but I am sorry it is not done. It had to pass through various stages, but generally there was a reluctance to interfere with private rights.

Then there are other cases. A certain man bought a site, laid the foundations and left the building uncompleted for several years. He has put a few stones on the sites and whenever he is asked he says, "I have made a commencement. The Municipality gives time over and over again, but to no purpose. The so-called considerations to owners have been carried too far. I agree with Mr. Balasundaram Iyer's view that the provision in the Bill does not go far enough. It only applies to sites in the extensions which have been sold under certain specific conditions. It is only to these sites that this provision is going to apply. As regards the larger proposition to which Mr. Balasundaram Iyer referred, I think that is a matter which will come up for discussion at a future time.

The existence of vacant sites is a source of great danger in the health and comforts of the neighbours and it is a crying shame to the City that such things should be allowed to continue in highly organised, well developed and enlightened Cities like Bangalore and Mysore.

MR. ABBAS KHAN.—There seems to be some misconception on the part of certain members in understanding this case. Mr. Abdur Rahmon says that the Bangalore Municipality have not been able to collect even the assessment on vacant sites. If the Hon. Member would look into my amendment, he will find that I have retained sub-section 3 which deals with cases in which assesment is not paid.

The second thing that is mentioned is that the application of this section will be restricted only to sites which have been sold by a Municipality under certain conditions. It is not stated anywhere in the section that it is so. The section conveys the sense that the Municipality can resume sites irrespective of this restriction.

DEWAN.—What do the first two or three sentences of the clause mean? ("Where the term prescribed or extended as the case may be, under any bye-law framed by a Municipal Council in this behalf, etc., etc.")

MR. ABBAS KHAN.—Supposing a man applies for a license, the period that will be allowed to him will be one year or six months. If he fails to complete the construction of his house within this period, he will be considered to have committed a breach of the license.

It is not clear whether the operation of the section will be restricted only to sites sold by Municipalities. I believe it applies to sites handed over by father to son. How are my friends going to make this point clear? Then again it is said that the Municipal Council has been spending Rs. 5,000 annually for maintaining a gang of men for removing lantana, etc., on the sites left uncared for by owners. I think it is an incorrect statement. No doubt the Municipal Council has been maintaining a gang to remove lantana from the Municipal lands and absolutely not on the sites owned by private people. And still, if they spend, they are responsible for the wrong use of Municipal Funds entrusted to their charge.

DEWAN.—Supposing the owners are not found, what is to be done? How is the money to be recovered?

MR. ABBAS KHAN.—How many cases are there of this kind? Is there any Hon. Member including the Vice-President who can give me an authoritative statement? If the Municipal Council has not been able to maintain a register showing the names of persons from whom assessment is due, their condition is to be deplored, and we ought not to extend our sympathy.

As regards Mysore, it is said that sites were sold at 2 annas per sq. yard. I am not aware of this fact. But here in Bangalore, sites were sold from Rs. 5 to 8 per sq. yard. I am asking the Dewan Bhadur K. P. Puttanna Chetty if the value of the sites in Bangalore has not gone down? and to what extent?

DEWAN.—Is the fluctuation in the market value of the sites relevant to this debate?

MR. ABBAS KHAN.—It becomes relevant because, the time prescribed for the construction of a house, the cost of labour, the cost of material, all these have to be taken into consideration. If the conditions had been favourable, the owner would surely have constructed houses.

DEWAN.—In cases where the owners guarantee that they will construct houses in a certain fixed period, Government will lay down certain rules to afford them some relief. No arbitrary powers are vested in the Municipality, but on the other hand they are subject to conditions to be prescribed by Government.

MR. ABBAS KHAN.—Even after so much discussion, I maintain that this section is calculated to invade the private rights of citizens which it is the sacred duty of the Lagislature to protect.

Lastly, I am not aware of any resolution of the Municipal Council having been passed in favour of passing a law of this kind. Nor is it stated in the objects and reasons mentioned by the Government that they have received a unanimous resolution of the Municipal Council as stated by the Dewan Bhadur.

DEWAN.—I think this was brought up in a Conference.

MR. K. P. PUTTANNA CHETTY.—I think they were sent up to Government with the full concurrence and sanction of the Municipal Council. How can any President send up proposals without the sanction of the whole Council? It was a thing that engaged the attention of the Council for months and years, if I mistake not.

MR. ABBAS KHAN.—Reference may have been made by the President. I still maintain that the Municipal Council has not been consulted. If Sir, the Municipal Council had been consulted some ten years ago, it is high time that they should be consulted once again with reference to the conditions of the present day. The subject has been pending for the last four or five years, and if the Municipal Council are consulted now, they would give a different opinion altogether. It is not only the Municipalities of the Cities of Bangalore and Mysore that are to be consulted, but also the mofussil municipalities. These rules are really arbitrary and the powers are of a questionable character. May I know if any Municipal Council in India say Calcutta, Bombay or any other city has been vested with such powers?

DEWAN.—They have not got such systems of extensions.

MR. ABBAS KHAN.—In conclusion, I can only say that some of the members have taken only one view. I am of opinion that a Municipal Council which is not mindful of the interests of its citizens is not worthy to be called a Municipal Council.

MR. MIR HAMZA HUSEIN.—I would like to say a few words with reference to the legal points raised by Mr. Abbas Khan. He says that the investment of any such power in the Municipality will be an inroad upon the rights of private citizens.

The question has to be considered with reference to private lands which are already in possession of private owners and lands which may hereafter be acquired by the citizens. With regard to lands that may be acquired hereafter, it is to be remembered that they will be acquired after the passing of the Regulation and the intending purchasers will have known the limitations and the obligations of the Municipal Law as impossed upon them. Therefore no equitable consideration arises in their favour. They purchase the land knowing full well that they will have to construct buildings on the sites within a reasonable time and that in case of default the lands will be liable to be resumed by the Municipality. There is no injustice done by the Municipality to persons who purchase these lands in spite of their inability to build. So in their cases also, the question of invading the private rights of citizens by the Municipality does not arise. It is just like that of a mortgage with a conditional sale. The mortgagee stipulates that if the amount is paid in a certain time, the land mortgaged will be delivered to the mortgagor. If not, the property will become the property of the mortgagee. Similarly, here. The Municipality stipulates that they will sell the lands on certain conditions and if the purchasers fulfil the conditions the property will become theirs, if not, the property will revert to the Municipality subject to certain equitable considerations, *viz*; purchase money paid by the purchaser will be returned to the owner of the land deducting the cost of sale, etc. The Municipality is not going to make any profit out of it.

The second point is about lands that have been actually acquired or are in possession of the people prior to the passing of the Regulation. In that case, the framers of this section have been very considerate. They do not propose that the Municipal Council should go and pounce at once upon the lands. They have given three years time from the date of passing this Regulation. If within three years, the man does not build upon the lands or if he is not able to raise funds for that purpose, the House will agree with me in thinking that he is not entitled to any consideration on the part of the Municipal Council.

Mr. Abbas Khan has referred in great detail to the present depressed condition of trade and other activities. Such general conditions will be taken into consideration when Government pass orders granting power to the Municipality to resume lands and I may assure Mr. Abbas Khan that the Municipal Council will not use their powers to the inconvenience and hardship of the people.

The motion was put to vote and lost.

7 (*b*) (2). MR. M. ABBAS KHAN.—Sir, I wish to restrict the operation of this section (Sub-section 1 of Section 98A) only to lands sold by the Municipality and not to others. With that object in view, I propose to remove the word "where" and add in its stead "in cases where vacant lands have been alienated by the Municipal Council". Because the proviso at the foot of that sub-section shows that it is intended to include also properties which are not sold by the Municipality, I wish to restrict the operation of this section only to sites sold by the Municipality and not other sites. That is my proposal.

MR. G. PARAMASIVIAH.—I beg to second the motion.

MR. B. V. RAMASWAMY CHETTY.—I oppose it. There should be no distinction made between one kind of sites and another. If there is to be any such restriction, I oppose it. There may be many sites of the kind and if people are not compelled to build on them, the locality will be affected. To guard against it, this provision of law is necessary. Therefore I oppose Mr. Abbas Khan's motion.

RAJAKARYAPRASAKTA RAO BAHADUR M. SHAMA RAO.—In this particular case, I sympathise with Mr. Abbas Khan in his desire to restrict the operation of the provision to lands alienated for building purposes only by the Municipality. In the case of lands inherited from father to son, proceedings are to be taken under the Land Acquisition Act. There may be sites which have been inherited from father to son without any sort of condition attached. In such cases it is right that the Municipality should acquire the sites under the Land Acquisition Act.

DEWAN.—I do not think the Municipality has got the right to frame bye-laws in such cases. Bye-laws can only be framed subject to the Statute. When a limit or restriction has been made by a bye-law, it must be a legal bye-law.

RAJAKARYAPRASAKTA RAO BAHADUR M. SHAMA RAO.—I know Sir, no subsequent bye-law has been passed in the matter. The Municipality has recovered taxes imposed on vacant lands, for previous years. I know cases of this kind. I want to make it quite clear.

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The motion was put to vote and lost.

(b) (3) MR. M. ABBAS KHAN.—Sir, in cases where a Municipality decides to resume a property, it must be required to obtain the sanction of Government. My reasons are obvious. We have got implicit confidence in Government, but not in the deliberations of a Municipal Council.

DEWAN.—In these days of advanced Local Self-Government?

MR. M. ABBAS KHAN.—It is very necessary to have this safeguard. Whenever a Municipality decides to resume property, it must obtain the sanction of Government.

MR. G. PARAMASIVIAH.—I beg to second it, with the belief that the Government will use their discretion in hard cases. We will be at the mercy of Government.

MR. B. V. RAMASWAMY CHETTY.—I oppose this, which is proposed as if the Municipal Council is bent upon doing injustice. We must have entire confidence in the Municipal Council. There is no reason and no necessity why it should be left to the discretion of Government. Municipalities are competent bodies. They know the local conditions and they are better able to judge.

DEWAN.—It is a compliment to Government in these days when there is such loud cry and keen desire for high powers being given to the people. Government must also show by legislation in these matters that high powers are given to the people. They have got the fullest confidence in the good sense and judgment of the people. If they give it in one hand and take it away in another, there cannot be any sincerity of purpose.

MR. M. ABBAS KHAN.—My object is that the Government should examine each case on its merits.

DEWAN.—Government will exercise their powers in laying down the conditions. Then they will leave the matter to the Municipal Council. If there is any hardship, the party will have to go to court and the court will question the action of the Municipal Council.

MR. M. ABBAS KHAN.—So, at least it may be laid down in the rules as one of the conditions "with the permission of the Government".

MR. B. V. RAMASWAMI CHETTY.—It is most painful to hear this from a member of the Municipal Council. Under the Local Self-Government Scheme, powers of administration are given to the Municipal Councils. It is bringing discredit to the Municipality to say that it cannot be trusted.

The motion was put to vote and lost.

(b) (4) MR. M. ABBAS KHAN.—My fourth amendment is that in Section 151-A, sub-section (1) the word "newly" should be omitted. I have not been able to understand the force of that word. It is not quite acceptable to me.

My submission is that the word "newly" is vague. I do not think that in the Municipal or any other Regulation, such words as "newly" or "recently" have been used. The word conveys a vague meaning. Therefore, it may be omitted. Or, if it is the intention of the section that it must be made operative only upon new factories, then it must be stated from what date certain factories are to be considered as new factories, and even in that case, I beg to submit that this section must be made to apply both to new and old factories.

RAO SAHEB H. CHENNIAH.—I second the motion.

MR. MIR HAMZA HUSEIN.—I think there is considerable force in the argument put forward by Mr. Abbas Khan. It was a slight omission on the part of the members of the committee who could not thoroughly scrutinise the Bill. I will consider what suitable amendments are to be made and in what form the section is to be put.

(b) (5) MR. M. ABBAS KHAN.—In the very same Section (151 A), in line 2, between the words "work-place" and "in" I move that the following words be inserted-"which may involve risk of fire or is likely by reason of its situation to become a nuisance to the neighbourhood or,"

The reason for my moving this is that, in the City of Bangalore, as I am personally aware, a number of persons have taken upon the profession of frying Bengal gram for trade purposes on a large scale. For this purpose, they have constructed furnaces in ill-ventilated dwellings. The firewood that is burnt ranges from 50

to 100 maunds a day and that produces excessive heat, which causes considerable inconvenience to the adjoining houses. There is no provision in the Municipal Regulation to regulate such things. We have often felt the difficulty. There is no provision in the Regulation to bring such work-places and industries under control. Besides, it involves risk of fire as well.

MR. MIR HAMZA HUSEIN.—I believe you limit the operation of this section by adding these words, on the assumption that these places are places of nuisance, and that therefore legislation ought to be avoided.

DEWAN.—Are there no provisions corresponding to those in the Madras District Municipal Act, against dangerous trades ?

RAJASABHABHUSHANA DEWAN BAHADUR K. P. PUTTANNA CHETTY.—It is not a dangerous trade. It only creates nuisance as Mr. Abbas Khan states. It is done all over the City and it causes great nuisance to the City. The Municipality has no power to bring it under control.

MR. M. ABBAS KHAN.—It cannot be brought under control. If it is made that a license should be obtained before the business is started, we will be able to impose conditions.

MR. MIR HAMZA HUSEIN.—Is not the present section wide enough to cover such cases? On the other hand, you limit the operation of it, by adding the words.

MR. M. ABBAS KHAN.—I wish to extend it by adding the word "all". I do not wish to restrict it.

MR. MIR HAMZA HUSEIN.—I think all that is covered. The section as now framed is quite enough to cover the risk of fire or any other thing.

RAJASABHABHUSHANA DEWAN BAHADUR K. P. PUTTANNA CHETTY.—We employ no power there.

MR. MIR HAMZA HUSEIN.—Then it is only a trade.

DEWAN.—The point really is, that Mr. Abbas Khan's amendment aims at the policy of introducing a license for dangerous trade and nuisance arising therefrom. The Municipal Council only issues a notice to discontinue or use it in such manner that it may no longer be a nuisance. Amongst the dangers mentioned, the risk of fire is also included in the existing Regulation. Mr. Abbas Khan's view is that if a license is issued, conditions may be imposed.

MR. MIR HAMZA HUSEIN.—Section 151 itself will have to be altered. We are licensing hotels, shops, etc., under this very section, for the abatement of nuisance, but not for offensive trade. This was not considered to be an offensive trade.

DEWAN.—It is left to the House whether they want it to be inserted here.

MR. ABBAS KHAN.—We want the amendment to be made.

DEWAN.—That is a defect, so far as I am aware, in the Mysore Municipal Regulation, I will make a note of it.

(c) MR. MIR HAMZA HUSEIN.—I propose that the Bill as amended may be passed at a subsequent meeting.

RAJASABHABHUSHANA DEWAN BHADUR K. P. PUTTANNA CHETTY.—I have much pleasure in seconding the motion. In so doing I beg to state that the proposals sent up by the Bangalore and Mysore City Municipal Councils were much more drastic than what has now been embodied in the Bill. The proposals sent up from the Council have undergone considerable modification so much so they are not as severe as the Municipal Councils wished it to be.

DEWAN.—There was a unanimous resolution of the Bangalore Municipal Council on 22nd February 1913, approving the proposals.

The motion was put to vote and passed.

8. Bill further to amend the Mysore Excise Regulation.

MR. MIR HAMZA HUSEIN.—Sir, the Bill further to amend the Mysore Excise Regulation for the purpose of bringing under control synthetically prepared drugs having a physiological effect similar to that of preparations derived from the coca plant was introduced at the last meeting of this Council under Rule 32 of the

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Rules of Business and in view of the simple nature of its provisions, it was decided not to refer it to a Select Committee.

I now beg to move that the Bill be passed.

MR. K. CHANDY.—I beg to second the motion.

The motion was put to vote and carried.

9. Bill further to amend the Municipal Regulation. *Re* Commissioner.

MR. MIR HAMZA HUSEIN.—Sir, the Bill further to amend the Mysore Municipal Regulation providing among other things for the appointment of a Commissioner for the executive administration of the City Municipality, which was introduced at the meeting of this Council held on the 18th September last, has now reached the final stage. But before it is passed, I have a small amendment to propose in sub-clause (2) of Clause 3. This sub-clause provides for the Deputy Commissioner in the case of District Headquarter Municipalities and the Amildar of the Taluk in the case of other Municipalities taking the place of the President when that office is vacant, until a new President is elected or nominated as the case may be and enters upon his duties. If these officers are already members of the Municipal Councils concerned no difficulty will arise from this interim arrangement. But if they are not, the introduction of an outside official member, as pointed out by Mr. Venkatesaiya when the amendments proposed by the Select Committee were discussed at the last meeting of this Council, might upset the proportion of the elected and nominated elements fixed in Section 10 of the Municipal Regulation. In order to obviate this technical difficulty, I beg to move that the words "notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder" be inserted between the words "shall" and "take" in the new sub-clause 7 (a) under Section 23. The necessity for this amendment is obvious and I beg to recommend its acceptance.

Mr. Venktesaiya in his speech at the last meeting of the Council suggested the introduction of the provisions of the Madras District Municipalities Act of 1920 in respect of arrangements to be made during the interregnum, but I am glad to inform the Council that the Madras Act has been amended since in this respect and provisions almost similar to these we have proposed in this Bill, have been adopted by the Madras Legislature.

MR. K. MATTHAN.—Sir, I beg to second the motion.

The motion was put to vote and carried.

MR. MIR HAMZA HUSEIN.—Sir, I beg to move that the Bill be passed.

MR. K. P. PUTTANNA CHETTY.—I beg to second the motion. In doing so, I have to say that this session of the Council marks a notable advance in promoting Municipal Administration. Two Bills have been passed both tending to the better administration of the Municipalities. One of these takes note of the various difficulties that have been felt as drawbacks in working Municipal institutions and the removal of which was felt to be necessary. This matter engaged the attention of Government for over ten years and has now been settled. The other one is about the appointment of a Municipal Commissioner, for Cities and will I hope, prove a very efficient machinery for the better administration of the Municipalities under the new scheme with a non-official elected President. These Bills will I hope tend to further the progress of Municipal Administration which was the subject of the Government of His Highness the Maharaja in introducing the new Local Self-Government Scheme.

IV.—RESOLUTIONS.

1. *Resolution re Execution of* Ex Parte *Decrees passed by foreign Courts.*

MR. M. RAMACHANDRA RAO.—Sir, I beg to move:—

"That this Council recommends to Government that, as according to the existing law, *ex parte* decrees against non-resident Mysore subjects passed by the Courts of British India and of the Civil and Military Station, Bangalore, are not executable in the Mysore State and also as *ex parte* decrees passed by Mysore

Courts against non-resident British Indian subjects and subjects of the Civil and Military Station, Bangalore are not executable outside the Mysore State, necessary steps be taken by legislation or otherwise to rectify the existing law so that the inconvenience and hardship which people are now put to may be removed at an early date."

This resolution deals with a minor but important branch of a wide and complicated subject in law in respect of which well-known text-writers and eminent judges have expressed divergent views. I propose to confine my remarks to the law which directly touches the resolution and which concerns us most at the present time, and endeavour to point out the great urgency that has now arisen for speedily arriving at some satisfactory reciprocal arrangements between the Government of India and our State in the matter of mutual execution of *ex parte* decrees passed by courts within their respective territories.

Up to the time of the Rendition, the courts in Mysore derived their authority from the Governor-General in Council and decrees of Mysore Courts were executable in British India by operation of Section 229 of the Code of Civil Procedure, Act X of 1877. Under the Chief Commissioner's Notification No. 112, dated the 23rd July 1878, it was declared that all the decrees of any court established in British India which could not be executed within the jurisdiction of the court by which they were made, might be executed in Mysore in manner provided by Sections 223-228 of the Code of Civil Procedure (Act X of 1877) which had been introduced into the territories of Mysore under the Notification of the Government of India, Foreign Department No. 47 J, dated the 27th May 1878. After the Rendition, the courts of Mysore ceased to derive their authority from the Governer-General in Council and hence Notification No. 233 I-J, dated the 25th November 1881 was issued by the Government of India under Section 434 of the Code of Civil Procedure declaring that decrees of the Civil and Revenue Courts of Mysore may be executed in British India as if they had been made by the courts of British India. Since the Chief Commissioner's Notification No. 112 continued to be in force in Mysore by virtue of Article 19 of the Instrument of Transfer, the decrees of the Courts of British India were executable in the territories of Mysore even subsequent to the Rendition. When Act XIV of 1882 was introduced into Mysore by Regulation II of 1884, for Section 229 of the British Indian Code, a new section was substituted which provided that decrees of any court in British India which could not be executed within the jurisdiction of any court by which they were made, might be executed in the manner provided in the Regulation within the jurisdiction of any court within the territories of Mysore. By Regulation VI of 1904, Section 229 was further amended and decrees of any Civil or Revenue Court in British India or of any Civil or Revenue Court established by the Governor-General of India in Council in the territories of Mysore or in the territories of any foreign Prince or State which could not be executed within the jurisdiction of the court by which they were made, became executable in the manner provided by Regulation II of 1884 within the jurisdiction of any Civil Court or of any Revenue Court specially directed by the Government in this behalf in the territories of Mysore. The same provision is reproduced in Section 43 of the present Civil Procedure Code, Regulation III of 1911. The schedule attached to the New Mysore Treaty of 1913 shows that the Chief Commissioner's Notification No. 112 still continues to be in force in the Mysore State.

In 1894, the Privy Council authoritatively laid down in the Faridkot Case, (22 Cal. 222) that in a personal action, a decree pronounced by a court of a Foreign State, *in absentem*, the absent party not having submitted himself to its authority and not owing allegiance to that State was by private international Law a nullity. In 1916 the Bombay High Court (in 40 Bom. 551) held, following the Faridkot Case, that a personal decree for money passed *ex parte* by the Shimoga Court against a British Indian subject of Bagalkot who had been served with summons through the Bagalkot Court, but failed to appear, was a nullity and could not be executed in the Bombay Presidency. In 1914 the Madras High Court (in 39 Mad. 24) expressed a similar view in respect of an application for execution in the Madras Presidency of an *ex parte* decree passed under similar circumstances against a British Indian subject by a court in the Cochin State. Between 1914 and 1912, the Mysore Chief Court following these decisions held in three cases, *viz.* 20 M. C. C. R. 214, 22 M. C. C. R. 186 and 22 M. C. C. R. 188, that decrees in

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preclude the executing court from ascertaining whether the foreign court had jurisdiction to pass the decree and from refusing execution if it finds that the foreign court had no jurisdiction to pass the decree. It has been further laid down by authoritative decisions that an executing court is competent to consider any of the invalidating grounds mentioned in Section 13 of the Code, whenever a foreign decree is sought to be executed in Mysore. Section 13 of the Code deals with only judgments *in personam*. In respect of Section 43 it will do if an explanation is added thereto to the following effect:—"For purposes of execution under this section, a decree passed *ex parte* in a personal action by any of the Courts specified in the section against a subject of Mysore who has not submitted to the jurisdiction of such court shall not be deemed to be an invalid decree." In respect of Section 13 a proviso has to be added to the following effect, *viz*:—"Provided that if the foreign judgment is a judgment of any Civil Court in British India or of any Court established by the Governor-General of India in Council in Mysore or in the territories of any Foreign Prince or State, passed *ex parte* against a subject of Mysore, it shall not be deemed to be invalid by reason of the defendant not having submitted to the jurisdiction of such court." These amendments appear to my mind to be sufficient for the present to meet the situation brought about by the case-law under discussion.

I understand that in 1920, the District Judge of the Civil and Military Station, Bangalore, moved in the matter of securing reciprocity, that a reference had been made to the Durbar by the Hon'ble the British Resident and that our Government expressed their readiness to undertake legislation provided the Government of India would do the same. Since then, the evil effects of the anomaly have been growing in intensity.

From what I have stated, it becomes clear that the simple machinery which was provided by the notifications referred to previously and which until recently was understood to confer power on courts both in and outside Mysore for the mutual execution of all decrees whether passed *ex parte* or otherwise has been found to be defective in certain respects, that a knowledge of the defective character of that machinery has led to a wilful evasion of the ordinary course of justice and that in the interests of the people of both British India and Mysore it is highly necessary that some new machinery for the mutual enforcement by execution of *ex parte* decrees should be brought into existence without any further loss of time. With these remarks, I earnestly commend the resolution for acceptance by the House.

Mr. B. N. Vijaya Deva seconded the resolution.

MR. G. PARAMASIVIAH.—During the course of the discussion, the case of the judgmenet-debtor seems to have been left out of consideration altogether. If there were to be any change in the case-law, it will encourage unscrupulous creditors to obtain decrees behind the back of the judgment-debtors without giving them any chance of defending the suits. Many people resort to it with a view to force the judgment-debtor to come to terms as dictated by the decree-holder. I think, it is not advisable to interfere with the operation of the case-law as it exists now. When the parties are fully aware that such decrees are null and void, why should they undertake the risk of obtaining such decrees? The resolution which has been brought forward, undoubtedly works as a great hardship on the judgment-debtor. His interest must be equally safeguarded as that of the creditor. For the foregoing reasons, I strongly oppose the motion.

MR. B. V. RAMASWAMI CHETTY.—The mover of this resolution Mr. M. Ramachandra Rao has unfortunately lost sight of the fact that in discussing this matter, it was his duty to have considered the subject in all its aspects. He has judged the matter from the standpoint of the creditors, decree-holders only. From the standpoint of the debtors also the case has to be considered, argued and settled.

As it is, suits can be filed either in the place where the cause of action arose or in the court within whose jurisdiction the defendant is residing. It is a fact that judgment passed *ex parte* by a foreign court will be considered to be a nullity, as the decree is not obtained against a person, who has submitted himself in any way to the jurisdiction of that court. When suit is brought against a person who is absent, the decree is internationally a nullity. It may be here or in British India or in French territory that such a thing takes place. The court in which the suit is brought has no jurisdiction over the defendant. The creditor conveniently files the

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suit in the place where the cause of action arose and he likes to get a decree against the defendant and to recover the money from him easily. He does not want the defendant to take objection to the jurisdiction of the court that passed the decree. The defendant may be in Bombay, Calcutta, Lahore or any other place. It is because he wants to cause inconvenience to the defendant and obtain a decree easily. It may be that the defendant is ignorant of law. I submit that the learned mover has not considered this aspect of the case. According to international law, the defendant has got the option of not subjecting himself to the jurisdiction of a court which has no jurisdiction over the place in which he is living. If he does not go and submit himself to the jurisdiction of the court, the decree obtained against him will be decree passed *in absentum* and an absolute nullity. Now, the same procedure is followed in all the High Courts in India. It cannot be said that in British India, in western countries and in the French territories this change is not to be brought about. We have got international law to deal with and what about the foreign Governments in British India, Pondicherry, Goa, etc. Would they agree to the change? To give an instance, a decree was passed here and it was transferred to the French Court in Pondicherry for execution. Objection was taken to the execution on the ground the decree was an absolute nullity, because the defendant had not gone to the court in which the suit was instituted and subjected himself to the jurisdiction of that court.

The mover wants the law to be changed on the ground that inconvenience is being caused to the creditor. I say that it is objectionable to change the law, as the judgment-debtor's interest should also be looked to. How the mover is justified in asking for a change in the law, I fail to see.

The case should be discussed in all its aspects. It is not proper, fair, and reasonable to bring about a change in the law. It being a matter of international law such a change must be brought about by the British, French, Portugese and all other civilised Governments; that means all the nations must be consulted in the matter. It is not so easy to do it. The present system is in force from a long time in the British territory and I dare say, there are as good lawyers and legislators there as in our State. How is it that the necessity for the change has not struck them? On account of the reasons which I have assigned, such a change would be most prejudicial to the defendant. We should not therefore ask the Government to commit itself and make a move in the matter. If the Government wants to oblige the mover, it must undertake to correspond with the British Government and the British Government must correspond with the French and other Governments and then only a change is possible. Therefore it is least necessary to make any move in the matter. So, I oppose the motion.

RAO BAHADUR M. C. RANGIENGAR.—I only wish to say a word or two and I shall not be long. On principle, this is objectionable, as the subjects of the Mysore State will be left to the tender mercies of foreign courts, and the British Indian subjects to those of Mysore courts.

Regarding the inconvenience, we have got to see that one of the parties must be put to inconvenience. A man of Ambala, if he wants to file a suit in Mysore, will be put to some difficulty. The defendant has got the same difficulty, in making an application to the Ambala court if he has got to subject himself to the Ambala court. Of the two, which is the one that demands our sympathy? The defendant is on the defensive and the plaintiff is the man who embarks on litigation with knowledge of the law as it obtains in India and in Mysore. With this knowledge, he enters into the transaction. He has got to go to the court within whose jurisdiction the defendant resides anyhow for the execution of the decree. So once for all he may go there and file a suit against the defendant instead of obtaining *ex parte* decree in the foreign court in the first instance. If the defendant is obliged to go to the remote corner of British India to get a decree set aside it will work a great hardship upon him. It is not right that he should be subjected to such hardship.

MR. MIR HAMZA HUSEIN.—Mr. Ramachadra Rao, in his able speech, dealt with the obstruse and difficult question of international law, and I do not like to take up the time of the House by giving you an exposition of the law on the subject which has been so ably discussed by the member.

The proposition moved by Mr. Ramachandra Rao contemplates two classes of cases, one is *ex parte* decrees passed in the Civil and Military Station and the other decrees passed in British India outside the Civil and Military Station.

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Now, so far as the Civil and Military Station is concerned, I do naturally sympathise with Mr. Ramachandra Rao and the argument put forward by him that Civil and Military Station and city form really one city and that a decree passed in any of the courts in the city should be executable in any court in the other jurisdiction, has much force.

Mr. Ramachandra Rao has stated in his speech that a certain reference was made by this Government to the British Government on the subject. I will examine it and see whether any further correspondence is possible on the subject.

As regards the wider subject, namely, of executing the decrees passed in British India, in our State, I think it is out of question to approach the Indian legislature. It is fundamentally against the principles of jurisprudence that the *ex parte* decrees passed in a court should be executable in a foreign court. Whether that principle of jurisprudence is based in the interests of the creditors or the debtors, it is not necessary for our purpose to consider. It is not likely that this principle of jurisprudence will be altered by the Indian legislature. This is all I have to say on the subject. I quite sympathise with the mover, but I think we cannot give any definite promise on the subject.

MR. M. RAMACHANDRA RAO.—I have got only a few words to say by orally of reply. Mr. Vijayadeva is not right in thinking that the question has any political character about it or that there is any delicacy involved in taking action on it. With regard to the arguments advanced by Messrs. Ramaswami Chetty and Paramasiviah, all that I wish to state is that there was no difficulty whatever in the matter of execution of *ex parte* decrees both here and in British India until 1917, that a decision passed in our Chief Court in that year was the origin of the trouble in our State and that a debtor in an *ex parte* decree for whom so much sympathy is now shown was not immune from liability till then.

MR. MIR HAMZA HUSEIN.—What about your decrees?

MR. M. RAMACHANDRA RAO.—Our *ex parte* decrees were being executed outside the State until 1917. It was the decision of the Bombay High Court that put a stop to that practice. I do not think that the arguments put forward by my friends who opposed the resolution are tenable.

My only object is to see that the facility which existed in the matter of mutual execution of *ex parte* decrees prior to 1917 is restored as early as possible. One way of doing it is suggested in the Faridkot case. Their Lordships of the Privy Council say therein that it is possible by Special Local Legislation for one country to come to some form of arrangement with a neighbouring country.

A short time ago, an attempt was made by a friend of mine to move the question in the Indian Legislative Assembly. Some interpellations have already been put in that Assembly on this subject.

As the difficulty is common to both British India and Mysore, any attempt on our part to solve it will, I feel sure, be reciprocated in British India. We may frame a Bill and then send it on to the Government of India with a request for suitable reciprocal action.

I am somewhat surprised that some of my learned friends who are quite as much aware of the present anomaly as I am, should take a contrary view. Still I hope that the resolution will commend itself to the House.

DEWAN.—Do you wish this resolution to be put to vote?

There are conflicting views regarding the merits of the proposition. So, we cannot accept it.

MR. M. RAMACHANDRA RAO.—May I request the Government to consider the point and examine it?

DEWAN.—So far as reciprocity between Mysore and the Civil and the Military Station is concerned, the Member has given an assurance that he will examine the case with reference to the correspondence that you have referred to in your speech. As regards the larger question, it is one that is full of difficulties and I do not think it is possible for Government to accept the resolution.

MR. M. RAMACHANDRA RAO.—Then I beg leave to withdraw.

RAJASABHABHUSHANA DEWAN BAHADUR K. P. PUTTANNA CHETTY.—The commercial and trade relations between the City and Civil and Military Station are very intimate. There is only one jurisdiction, with two names.

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DEWAN.—There are two questions involved, the first relates to two parts of one City under two administrations and the second relates to two administrations or governments territorially apart and unconnected with each other. The Member has promised to look into the point further.

2. Resolution re prescribing an examination for mukhtyars.

MR. N. S. NANJUNDIAH.—Sir, the resolution I beg to move is :—

"That in view of the increasing number of Honorary Magistrates' Courts, and retired Police Officers, suitable rules may be framed to regulate and systematise the practice of parties being represented by Mukhtyars or uncertified pleaders in Criminal Cases, by prescribing a separate Examination or other course of training."

In the list of definitions embodied in Section 4 of the Code of Criminal Procedure, we find that the word "Pleader" used with reference to any proceeding in Court includes among other persons any Mukhtyar or other persons appointed, with the permission of the Court, to act in such proceeding. But the work of a Mukhtyar has nowhere been defined, either in the Criminal Procedure Code or in the Legal Practitioners' Regulation as in force in Mysore. A practice has been in existence for several years in the State according to which many private individuals who have not passed any examinations in law have been conducting Criminal Cases before Magistrates, appearing for the prosecution as well as the defence. There was also a Circular of the Chief Court, in a way authorising the appearance of private individuals in such Criminal Cases, and as it was once interpreted to mean that it authorised such appearance only on behalf of accused, the Chief Court corrected the misapprehension and made it clear that neither the Procedure Code nor the Chief Court Circular ever prohibited the grant of permission to these practitioners to appear for and conduct the prosecution. But in a later case, Justice Ismay, in a case which came up before him set his face against encouraging this class of practitioners, since in his opinion duly certified Pleaders were available in numbers even for small fees, in the moffussil, and ruled that permission should be accorded to Mukhtyars only in special cases. Whatever that may be, there remains the fact that there are at present a large number of such persons who go under the designation of Vakils, Lawyers or Pleaders, whichever name one chooses to adopt and do conduct Criminal cases. The number of this class of practitioners has increased with the increase in the number of Criminal Courts, and even before Amildar Magistrates, these private gentlemen command a fairly good practice. It is, however, noticeable that in the moffusil, qualified Pleaders are somehow averse to appearing before the Honorary Magistrates. The result of this state of things is that poor litigants in the moffusil are often forced to suffer from want of proper legal advice and assistance.

The Honorary Magistrates have themselves got no special training and the parties are not represented by men having any recognised course of legal training. There are no doubt a few of such Mukhtyars who possess a good knowledge of law, but there are many others also who far from being useful to the parties, prove to be of greater disservice in the long run. The litigants living in distant parts are unable to distinguish between certified and uncertified Pleaders and are often misled.

Another point for consideration in this respect is that this class of practitioners who have no independant right to appear in a case, but are at the mercy of the Magistrate before whom they practise, are always forced to subordinate the interest of the client to the humour of the Magistrate and the demoralising effect of this position is not insignificant.

There is another aspect of the question also. There is at present no disciplinary control of the Chief Court over this class of practitioners as they do not come under the provisions of the Legal Practitioners' Regulation and there is no other provision of law to exercise control over them. Granting that a Magistrate in some place refuses permission to allow a particular individual to practice in his Court, he can without restriction move on to another place, and even to another District and start afresh. While Pleaders duly enrolled under the Legal Practitioners' Regulation have got to confine their practice to one particular Division, the territorial jurisdiction of this class of practitioners extends to the whole of the State.

There are at present a number of retired Police Officers who, when in service were entrusted with the duty of conducting the prosecution on behalf of the Government. These people can of course be permitted as a matter of right to practise as Mukhtyars, and their services would be valuable and available to the moffussil parties for a moderate remuneration.

Since a large number of these Mukhtyars have sprung up and are actually practising in the moffussil Courts, and properly regulated and duly controlled legal assistance at a small price is necessary for the moffussil people in small cases, where they cannot afford to pay heavily to lawyers living in out-stations, I mean, places where there are no Civil Courts, for lawyers do not generally stay and set up practice in places where there are no Civil Courts, and as litigants often suffer by ignorantly entrusting their cases to some irresponsible persons, it seems desirable in the interests of both parties, that this class of practitioners should be brought under some disciplinary control under a regulated system, so that they might also feel some responsibility to the clients and the Courts. They should also be made to feel that they have a status to maintain and that they can practise as a matter of right without being subject to the individual fancies of any particular Magistrate. A small examination like the Criminal Lower Examination might be prescribed for them and a certificate granted to them authorising them to practise in specified Magisterial Courts. By doing so we will not only have systematised the course of training, but will also have helped the poor and credulous litigants to a large extent.

I also understand that recently a Bill was passed in British India, called the Muktyars Bill, which gives some status to this class of people, and I submit the proposition for the acceptance of this House.

MR. H. VENKATARAMAIYYA.—I rise to second the resolution. I would like to give a few reasons which may look very peculiar. My friend, the mover, has made out a very good case and has shown to this House that, as they are, the Mukhtyars are a source of danger to at least the litigant public in criminal cases.

That my friend and myself who both belong to the legal profession, one moving and seconding this resolution may look somewhat peculiar. Every person would like to see that the members that get into this profession are well educated and are worthy of the profession. Here in Mysore, we have established a University and I believe, the University Council has been contemplating to establish a Law College also. And as such, I do not suppose there would be any paucity for law graduates. As it is, the legal profession is already overcrowded and in another ten years—if not in 10 years, at least in 20 years—I daresay the law graduates will be found in every nook and corner of the State. Under these circumstances, it is natural that we should see that people who are not law graduates are altogether excluded from the profession, but as things exist, the Mukhtyars are being allowed to practise in criminal courts.

DEWAN.—Why not leave this to the discretion of the Courts?

MR. VENKATARAMAIYYA.—The Government may pass orders altogether excluding these people from the Criminal Courts and allow only such of those who at least pass some sort of examination, to practise in those courts so that they might do some sort of good to the people.

DEWAN.—In other words your view is that the whole lot of them must go except the very few who have the hall-mark granted by Government.

MR. VENKATARAMAIYYA.—The main resolution of my friend Mr. N. S. Nanjundiah is to have an examination by passing which the Mukhtyars should be recognised.

DEWAN.—A large number of people will pass.

MR. VENKATARAMAIYYA.—If it is a sufficiently difficult examination, many will not pass. The present lot of Mukhtyars are doing more harm to the clients than good. In order to save criminal clients from the clutches of Mukhtyars I suggest either their exclusion or opening of an examination as suggested by my friend.

I beg to second the motion.

MR. B. V. RAMASWAMI CHETTY.—I am a lawyer and I think it is my duty to speak about this subject. It is only in criminal courts that Mukhtyars are allowed to represent parties and not in Civil Courts.

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We have nothing to complain against the working of the First and Second Class Magistrates' Courts, as these courts are working very well. Our grievance is only with regard to the working of the Bench Courts.

No doubt by the creation of the Bench Courts the work in the other Criminal Courts has been greatly relieved, but it is not unmixed good, simply for the reason that we have got the strange paradox of persons ignorant of law administering law.

DEWAN.—I wish you speak on the motion. I do not think the question is about the efficient working of Bench Courts. It is not fair to the Bench Magistrates that the subject should be discussed here.

MR. B. V. RAMASWAMI CHETTY.—I do not want to criticise the work of the Bench Magistrates. I only wanted to say that when the Bench Courts are in this condition, let us at least give them some help by enabling certified Mukhtyars to practise in these courts. With this object in view I should like to suggest that an examination in Evidence Act, Criminal Procedure Code and Indian Penal Code might be prescribed and such of those as get through the examination be permitted to practise in these courts.

If it is considered that an examination as suggested by me is not necessary some sort of local enquiry should be made about the character and competency of the person who has to practise as Mukhtyar.

With these remarks, I support the resolution.

MR. MIR HAMZA HUSEIN.—How this matter has become one of urgent necessity, Mr. Nanjundiah has not explained in his speech. The Mukhtyars have been in existence ever since the courts were formed and the character and jurisdiction of the criminal courts have not been changed. The only reason given in the resolution is that the increasing number of Bench Courts has necessitated some such rules for systematising and regulating this class of Mukhtyars. What exactly is meant by the necessity from the increase of Police officers and retired men in Bench Courts, I am not able to gather from the speech of the mover.

The Bench Courts are established in places where originally Amildars were exercising powers; and the powers that have been given to these courts (Bench Courts) are very limited. They exercise third class powers in cases where the value of property involved is Rs. 50 and also try petty cases under Municipal Law and other Regulations. So there is no incentive for any lawyer to go and settle down in places where only Bench Magistrates Courts exist. There are lawyers, advocates and pleaders and other classes of people practising in places where there are Munsiffs' Courts. In District Headquarters there are Beanch Courts and in these places there cannot be any difficulty. It is only in those Bench Courts which are situated in places where there are no Civil Courts, that the Mukhtyars find some scope for occupation.

The question now is, whether, under these circumstances this class of Mukhtyars should be regularised and placed on a permanent footing. My own opinion in this matter is that the sooner this class is extinguished the better it is for the legal profession. A large number of students of our University are receiving their law education in Bombay and Madras and a large number of them are coming to Bangalore. Formerly no law graduate was to be found practising in a Munsiff's Court. That was at a time when I entered service, but now very many law graduates find their occupation in Munsiffs' Courts situated outside the Cities of Bangalore and Mysore. Similarly most of the lawyers at one time, as Mr. Nanjundiah said, considered it very awkward on their part to appear before a Bench Court, but now I see that very many lawyers of importance and standing do not hesitate to appear before a Bench Court if they are paid properly.

Only very recently, we have done away with the class of second grade Pleaders who used to practise both in Civil and Criminal Courts and the reason was that the educational qualifications and legal attainments of these pleaders were not of a sufficiently high standard as to ensure a proper study of the cases. Now when we have done away with this class of second grade pleaders, is it advisable, that we should create another class of criminal lawyers, with still less qualifications, (criminal lower etc., as suggested by Mr. Ramaswami Chetty).

I do not know what sort of grasp of law these persons will get by passing these examinations. We have come across men who have passed higher examinations committing blunders as regards procedure and it is no wonder at all if Bench

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Magistrates commit mistakes in procedure and in the appreciation of evidence. However, it is due to the Bench Magistrates that I should state on this occasion that they have been doing very good and useful work (Applause) and that their judgments are as a rule sound.

The whole question now turns upon this fact, *viz.*, whether it is necessary that Government at this stage of development of Legal Education should create a class of criminal lawyers and perpetuate a state of things that existed when there was a want of legal advisers and dearth of legal practitioners? I would rather allow the present state of things to continue till our graduates and first grade pleaders settle down in the Mofussil to afford whatever assistance is needed in the administration of justice.

MR. N. S. NANJUNDIAH.—In that case, I shall withdraw my resolution for the present.

3. *Resolution re the appointment of advisory councils in Districts.*

RAO SAHIB CHENNIAH.—The resolution which appears against my name has some bearing on the Constitutional Reform. A copy of the Reforms Committee Report has been placed into my hands just now and with your permission, I would withdraw the resolution for the present, and, if necessary, I shall bring up this proposition later on.

DEWAN.—All right.

4. *Resolution re abolition of fee for inoculating cattle.*

MR. G. PARAMASIVIAH—Sir, I beg to move that:—

This Council recommends to Government that they may be pleased to cancel the Government Order No. L. 614-50—A. & E. 7-22-11, dated 10th March 1923, directing the levy of a fee of six annas for each head of cattle or sheep inoculated.

DEWAN.—The order was not passed with a view to get revenue, but to facilitate inoculation, and for buying serum. The cost of serum has gone up so high that each inoculation costs more than a rupee and the budget expenditure of the Agricultural Department for inoculation alone is between Rs. 75,000 to a lakh of rupees.

MR. G. PARAMASIVIAH.—Sir, this resolution has not been brought with a view to embarrass the Government in their attempt to get more revenue, but with a view to show that the amount which is likely to be derived by the proposed levy of a tax of six annas for each head of cattle or sheep inoculated will be inappreciable and uncertain and at the same time very heavy and embarrassing to the person who pays it. I mean, the attempt is not worth rousing all the criticism and unpopularity which the measure involves. It is very objectionable, Sir, that the Government should have thought fit to levy this tax on the strength of the recommendation of the Board of Agriculture without bringing the proposal before any of the popular Assemblies though its incidence is of universal character in asmuchas the raiyat is concerned. If the raiyat is said to be the back-bone of the country, the cattle and sheep are much more so to him.

The inoculation of cattle and sheep is said to be more a preventive than a curative measure. It is resorted not so much to give relief to the animal already infected, but to prevent the spread of the epidemic in and outside the locality when the disease breaks out. Mr. James Mackenna of the Indian Civil Service in his book "Agriculture in India" published by the Government of India says, that "the discovery of these sera and vaccines (antirinderpest and other sera) has completely revolutionised the practice of Veterinary Science and the success achieved in India has been marvellous. It is true that the immunity given is only temporary and the object aimed at is not so much the preservation of each animal treated as the control of the Epidemic and the prevention of the spread of the infection. The animal of any individual cultivator may die, yet he willingly takes the risk." Inoculation of people and even vaccination of children in Mysore, Sir, has not become as popular as they ought to be on account of the ignorance and prejudice generally prevailing and the Government at times have to take compulsory measures in asmuchas vaccination is concerned. This being so, it is not too much to say that the prejudice of the cultivator is yet to be overcome and his confidence to be gained regarding inoculations

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of his cattle and sheep against contagious diseases. In their Administration Report for the year 1921-22, Government have been pleased to observe that the year was an unusually bad one for cattle and sheep as there were severe out-breaks of rinderpest, black-quarter and sheep disease. Consequently the losses of cattle and sheep were very heavy in some of the districts. These losses were partly due to outbreaks of infectious diseases of cattle not being promptly reported to the veterinary officers in several instances.

Under these circumstances, it is desirable that there should be as much inducement as possible held out to the raiyat in Mysore to get his cattle or sheep inoculated so as to effectively check the spread of infectious diseases. The proposed tax will seriously impede the work of the Veterinary Officers especially in their attempt to bring under control the heavy mortality of cattle and sheep in the State.

For the above reasons, Sir, I beg to commend the resolution for the acceptance of this Hon'ble House.

RAO SAHEB H. CHENNIAH.—Sir, I beg to second the motion.

MR. N. S. NANJUNDIAH.—SIR, I should like to say a word or two in respect of this resolution. The object of the inoculation is no doubt very good, but I am afraid that the levy of fees will frustrate the very object of the scheme, and the rule prescribing the levy of fees will remain a dead letter, since none of the villagers will feel inclined to pay any fees for the inoculation of their cattle.

With much difficulty and pursuasive measures the Veterinary Department has just begun to inspire some confidence in the minds of the rural population about the good effects of this inoculation, and if so soon, a fee should be imposed upon them for getting the cattle inoculated, the scheme itself would fail. Unlike vaccination, the effect of the inoculation lasts but for a short period of about six months. In Malnad areas people rear and maintain cattle not so much for milk and curds or for Agricultural operations as for the purposes of manure. To inoculate all the heads of cattle at six annas each, the cost would be enormous. And to inoculate a few and leave the rest uninoculated would be of no use. After all the period of its efficacy is but six months.

For purposes of an imaginary calculation it may look as though we are likely to realise a large sum at six annas per head, but in practice we are not likely to get any money at all, and what is more, the fear of the levy of fees will scare the raiyats and inoculation work would be retarded.

From experience we find that although it has become a matter of common knowledge even in the distant parts that vaccination is a real protection against small pox, still it is not all people that agree to vaccination, though free of charges, even to save human lives, and indeed a Regulation is passed enabling vaccination being made compulsory in certain areas from time to time. Such being our experience about free vaccination to save human lives, I do not think we can hope for better or even similar results in respect of the inoculation of cattle at a heavy fee of six annas a head only to keep them immune only for a short period of six months.

MR. MIR HAMZA HUSEIN.—Is the District Board going to contribute?

MR. N. S. NANJUNDIAH.—Even granting that the District Boards do contribute, it will not be sufficient to meet the cost. But because the District Board would not contribute, would it improve matters if the levy of fees be enforced? We may entertain a pious hope that a large sum would be recovered; but would we? Do people pay and get their cattle inoculated because the District Boards would not contribute? There is nothing in the way of the rule remaining in force, but will it bring about the intended result, *viz.*, the recovery of money to meet the cost of the serum? If it does not, what then is the use of a rule which remains a dead letter? When a proposal was made to levy a cess of half an anna per head of cattle, the Taluk Conferences resolved against such a levy. There is therefore no use in keeping the rule alive and it is desirable to cancel it and make inoculation free.

MR. MIR HAMZA HUSEIN.—I would like to say a word or two on this subject. The Government order on the subject fully explains the situation under which Government resolved to levy this fee of annas six for such inoculation. Inoculation was first introduced in Madras and Re. 1 was being charged per head

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of cattle. In Mysore, In 1920-21 a sum of Rs. 29,125 for the purchase of serum was spent. During the next year, the cost of serum amounted to Rs. 63,500. For the current year the amount allotted for this purpose is Rs. 20,000, but during the 8 months for which figures are now available the cost has gone up to Rs. 34,109. The demand for inoculation is greatly increasing and it is not possible to provide large sums in the budget for this purpose. I think what is now charged is less than half the actual cost of a dose of serum. This by itself is a concession and if finances improve and Government are able to spare money to make adequate provision in the budget, they will have no objection to make inoculation free.

The Director of Agriculture has well explained in one of the meetings of the Economic Development Board that the provision in the budget will be exhausted in the inoculation of useless cattle and that when valuable cattle are affected, there will not be sufficient funds and serum available to inoculate. However this is purely a question of finance and it may be considered at the budget time.

MR. G. PARAMASIVIAH.—I beg to say a few words by way of reply. So much has been said regarding the cost of serum. Whatever little convenience is afforded to the poor raiyat it is calculated to the very pie, and I think, the raiyat will be justified to say that whatever is being taken from him by way of land assessment etc., should be solely spent on him. I do not think that the mere question of cost is the only thing to be taken into consideration now. These measures are being taken with a view to preserve cattle as a whole and not with a view to give relief to any particular raiyat. By means of inoculation, I do not think we can give guarantee to the raiyat that his cattle will not catch infection.

We may as well ask every man, who is being inoculated with plague serum to contribute similarly. Every man inoculated must be asked to pay more than what is being demanded for every cattle, in asmuchas human life is more valuable.

DEWAN.—This is a matter in which, on behalf of Government, I may say that we have fullest sympathy with the spirit of the resolution. I also see the point raised in Mr. Nanjundiah's argument that in actual practice it may be very difficult to realise the money which the Government expect they would, to meet the expenditure, at least a part of it, for the inoculation of a large number of cattle. As my hon'ble colleague has pointed out, this is purely a question of ways and means. I see the force of the argument of Mr. G. Paramasiviah that with a view to give relief to agriculturists, Government should take a broader view and provide funds for the necessary expenditure. Very large additional grants were asked for by Dr. Coleman for continuing the operations of inoculation and Government thought that the inoculation operations might not be altogether suspended for want of funds and at least part of the expenditure may be met by the levy of the fees now sanctioned. I can assure the mover, however, that we shall examine the position in June and see how this new rule has worked, and if we find in actual practice it is difficult to work the rule, and if we also find we can balance the budget, we shall certainly consider the question of abolishing the fee. I think with this assurance, the mover will be good enough to withdraw the resolution.

The resolution was withdrawn.

5. Resolution Recancellation of Land Acquisition in Mysore City.

MR. MD. ABBAS KHAN.—The resolution I beg to move runs thus:—

"That with a view to remove the great hardship and loss caused to the owners of private properties which have been declared for acquisition for improving the City of Mysore by the in-ordinate delay in passing awards thereon, this Council recommends that the Government of His Highness the Maharaja of Mysore will be pleased to order the cancellation of all such declarations as have been made, at least prior to the 1st of July 1921, in respect of which no awards have been passed up to date".

SIR,—The debate I am initiating relates to a subject of importance to the citizens of Mysore. The sum and substance of my resolution is to recommend to Government to withdraw from the acquisition of lands the declarations for which, were made prior to the 1st July 1921, so as to give immediate relief to the owners of properties who, on account of these declarations and delay in the non-disposal

of cases, have been put to innumerable difficulties, inconveniences and losses. From the statement furnished to us this afternoon in reply to my interpellation, I find that there are as many as 1611 cases in arrears with the Land Acquisition Officer and the most regrettable feature of this is that there are cases pending disposal for the past 19 years. I wish to ask if a long period of 19 years is not sufficient to enable the authorities to decide if the lands are still required for the original purposes for which the acquisition was ordered to be made? If it is a question of funds on account of which, no awards have been made or could be made, my submission is that the delay of 19 years is such that it passes all bounds of justice and fairplay.

The authorities concerned have shown lack of sympathy and they have inflicted a great amount of hardship on the owners of the properties. I am aware that the Government have been pleased to pass orders recently that acquisition proceedings should be completed within six months from the date of declaration. This applies to new cases which have to be dealt with in future, but what about old cases? The Government have not declared their policy in respect of old cases pending disposal inordinately.

The request made in the resolution is very modest and gives great relief to aggrieved parties. It only requests Government to cancel all declarations made prior to 1921. My object in fixing that date is to afford sufficient scope to the authorities to regulate their programme with reference to public improvement, utility and financial considerations. Therefore I beg to submit this resolution for the acceptance of this House.

RAO SAHEB H. CHENNIAH.—I beg to second the resolution.

MR. B. V. RAMASWAMI CHETTY.—I beg to support the resolution. We have got a similar state of things existing in Bangalore also. Acquisition of new properties was in the opinion of the Municipality necessary and Government approved of the acquisition of certain lands for municipal purposes and a notification was published in the Gazette declaring that certain properties would be acquired. In some cases the Land Acquisition Officer who was appointed to fix the compensation has passed the awards and in some cases, references are made to the Courts and they are pending there. Now there is correspondence between the Government and the Municipality whether owing to the financial stringency to which both the Government and the Municipality are subject, it is a wise policy to complete the acquisition of the lands the acquisition of which has already been notified in the Gazette. If the financial condition of the Municipality is not satisfactory, only urgent acquisitions which are absolutely necessary for municipal purposes should be completed and in regard to other lands which may not be now required by the Municipality, a declaration may be made in the Gazette to the effect that they are not wanted. If such a declaration is not made, it will be hampering the owners of the properties. I know as a matter of fact that some people are ready to construct buildings on the lands which have been proposed to be acquired. If the Municipality is not going to acquire the lands, they are bound to give licenses to the owners of lands to put up buildings. Even if it is in the case of Mysore City that acquisitions were announced long ago or the matter is pending in Courts, the Municipality can make up their mind to renounce the acquisitions. I think that sometime ago Mr. Balasundaram Iyer as Bangalore City Magistrate had to decide a land acquisition case, he even passed the award and yet the acquisition was given up. Again after the lapse of seven or eight years a fresh declaration was made and the property was acquired. So nothing prevents the Government to announce that the acquisition of certain lands is not necessary. If it is announced that certain lands are not required by the Municipality, the owners of such lands will be enabled to apply for licenses for putting up buildings.

If the finances of the Municipality are not in a satisfactory state, they can boldly make a declaration that such of the acquisitions as are not of an urgent nature, are not wanted. Only urgent cases of acquisition may be attended to now. I am opinion that the proposed resolution deserves to be passed.

DEWAN.—On behalf of Government I can only say that this matter has already attracted our attention. It was on the 25th July 1922 that an order was passed to the following effect:—

"After the declaration is published in the Gazette, there should be no delay whatever in the conduct of the acquisition proceedings and settlement of compensation.

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All opportunity for speculative enhancement of prices which often occurs owing to lengthy and dilatory proceedings, should be averted as otherwise, persons interested will combine to inflate their demands beyond the reasonable and normal prices which prevailed before they knew that the land would be acquired by Government. Under no circumstances should the time for settlement of compensation exceed three months except in very exceptional cases in which the reason for the delay should be fully explained. This direction should be strictly followed by the acquisition officers and any delay on their part in settling the compensation after acquisition is sanctioned by Government, will be severely noticed."

Only latterly, the order referred to by Mr. Abbas Khan was issued, *viz.*, on the 20th of February last, in which the policy is laid down as follows:—

"There have been several instances in which Government have had to withdraw from the acquisition of land the declaration for which had been published some years ago, on the ground that the land was not required for the purpose for which it was intended. Cases of inordinate delay in the conduct of acquisition proceedings have also come to the notice of Government. They therefore direct that acquisition proceedings should be completed within six months from the date of publication of the notification in the Gazette and that if acquisition and payment of compensation is not made within that period, the fact should be reported to Government."

In these two orders all the cases of hardship that have been brought to the notice of this Council will be adequately dealt with in the very near future. I quite realise that in Mysore there have been many cases pending for several years past. The accumulation is partly due to the fact that the Trust Board started on the operations of large improvements on the basis of the promise of a Government grant of 4½ lakhs of rupees per annum, and they thought that within 4 or 5 years all the acquisition work could be completed. Subsequently as this Council knows, the grant to the Mysore Trust Board has been curtailed to the sum of 1½ lakhs of rupees, and in this year's budget, the amount allotted is only one lakh of rupees. Under these circumstances the Trust Board authorities have found it extremely difficult to meet the demand for compensation in respect of properties which they have already taken possession of.

The resolution, as it stands, will be difficult to accept on account of a legal difficulty. If Government have taken possession of properties in respect of which acquisition proceedings have not been completed, because necessary provision of funds has not been made, it is not possible for Government under the law, to withdraw from the acquisition.

There are many such cases. Only recently I inspected the office of the Mysore Improvement Trust and secured from that office a long list of acquisition cases that were pending for the several years past. I have given personally, necessary instructions to complete all proceedings and to pay compensation in respect of all old cases which are of an urgent nature, and also to settle a definite programme for the next two or three years, with due regard to the money that will be available from the Government contribution, so that other cases may once for all be postponed as being beyond the reach of practical politics. I hope, therefore, that Mr. Abbas Khan will modify his resolution, realising as he will, after the explanation which I have given to him. Government are fully alive to the hardship caused on account of the delay. They have themselves noticed the delay and issued strict instructions to the officers responsible to avoid such delays in future. If he will modify the resolution to this extent, *viz.*, after the words "pleased to order" omit what follows and add "early disposal of pending cases and the payment of compensation thereon" or in the alternative "withdrawal from such acquisitions in respect of which there is no possibility of disposal," I think the resolution can be accepted on behalf of Government.

The mover agreed to the modification.

The Council was then adjourned *sinediee.*

APPENDIX A.

(Question 9.)

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Statement showing the grants given for communal Hostels during the years 1917-18 to 1922-23.

No.	Name of Hostel	Amount paid	Amount yet to be paid
		Rs.	Rs.
1	Lingayet Hostels—Total	37,823	56,618
	(*i*) Chikmagalur	10,000	....
	(*ii*) Bangalore	25,223 Including cost of site given free.	4,000
	(*iii*) Shimoga	2,600	10,118
	(*iv*) Tumkur	....	20,000
	(*v*) Mysore	....	22,500
2	Mahomedan Hostels—Chikmagalur	4,000	....
3	Vaisya Hostels—Bangalore	13,223 Including cost of site given free.	6,000
4	Mahratta Hostels—Bangalore	9,223 Including cost of free site.	....
5	Other Hindu Community Hostels—	27,441	8,445
	(*i*) Free Boarding and Lodging Home for all the Hindu Communities, Chamarajpet, Bangalore.	22,441	....
	(*ii*) Anathalaya, Mysore	5,000	....
	(*iii*) Hostel for the Nadar community at Tirthahalli.	....	8,445
6	Hostel undertaken by the Mission Authorities, at Nallur, Tirthahalli Taluk.	....	2,000

APPENDIX B.

(Question 10.)

Year	Total number of Panchama Primary Schools.
1919-20	683
1920-21	689
1921-22	564

APPENDIX C.

(Question 11.)

List of Educational Officers who are permanent in grade Rs. 57—4—77 and are acting or *sub pro tem* in grade Rs. 75—10—125, showing their respective ranks in the two grades:—

Rs. 57—4—77.	Rs. 75—10—125.
1. Mr. P. Venkata Rao.	1. Mr. M. R. Srinivasa Murthi, B.A.
2. ,, Mahomed Dastagir.	2. ,, P. V. Kuppu Rao.
3. ,, D. Suryanarayana Rao, B.A.	3. ,, D. Suryanarayana Rao.
4. ,, P. V. Kuppu Rao, B.A. (Trained).	4. ,, N. Nagesa Rao.
5. ,, T. Narasinga Rao, B.A.	5. ,, P. Venkata Rao.
6. ,, M. R. Srinivasa Murthi, B.A. (Trained).	6. ,, T. Viraraghavaiya.
7. ,, N. Gopala Sastri, B.A.	7. ,, T. Narasinga Rao.
8. ,, B. Huchu Rao, B.A.	8. ,, B. Huchu Rao.
9. ,, T. Viraraghavaiya, B.A.	9. ,, T. K. Srinivasa Rao.
10. ,, T. K. Sreenivasa Rao, B.A. (Trained).	10. ,, M. Srinivasan.
11. ,, M. Srinivasan, B.A.	11. ,, K. S. Venkatasubban.
12. ,, S. Sitharamaiya, B.A.	12. ,, S. Sitharamaiya.
13. ,, T. S. Gopala Iyengar, B.A.	13. ,, C. R. Ramachandra Rao.
14. ,, Y. Vedavyasachar, B.A. (Trained).	14. ,, N. Gopala Sastry.
15. ,, R. A. Sampathkumarachar, B.A. (Trained).	15. ,, T. S. Gopala Iyengar.
16. ,, N. Nagesa Rao, M.A. (trained)	16. ,, Y. Vedavyasachar.
17. ,, C. R. Ramachandra Rao, M.A.	17. ,, R. A. Sampathkumarachar.
18. ,, K. S. Venkatasubban, B.A., L.T.	18. ,, Mahomed Dastagir.

APPENDIX D.

(*Question 15.*)

Statement showing the total amount spent on the erection of buildings to locate Government Offices during the years 1917-1922.

Item No.	Division and name of work	1917-18	1918-19	1919-20	1920-21	1921-22
	KADUR DIVISION.	Rs.	Rs.	Rs.	Rs.	Rs.
1	Constructing a new Taluk Cutcherry at Chikmagalur.	5,502	1,028	74	..	..
2	Constructing a District Forest Office at Chikmagalur.	..	3,026	4,746	5,654	..
3	Constructing Sub-Registrar's Office and Bonded Warehouse at Mudgere.	417	2,768	2,216	921	..
4	Constructing Revenue Sub-Division Office at Tarikere.	5,586	1,259	..	..	..
5	Constructing Police Station and Lines at Kalasapur, Chikmagalur.	..	..	..	..	1,354
	BANGALORE DIVISION.					
6	Constructing New Public Offices ...	90,645	59,975	40,992	98,585	48,854
7	Constructing additional block adjoining District Office.	..	17,958	65,215	39,047	9,151
8	Constructing Revenue Sub-Division Office at Closepet.	2,111	2,856	...	...	..
9	Constructing 1st floor over the newly extended portion of Survey Office.	7,631	1,443	...	..	..
10	Improving the Taluk Cutcherry at Anekal ...	2,370	1,998	898	..	..
11	Improving and extending the Executive Engineer's Office, Bangalore.	..	2,235	763	635	..
12	Extension of two blocks of Public Offices ...	272	4,473	1	...	..
	SHIMOGA DIVISION.					
13	Constructing a Sub-Taluk Cutcherry at Kumsi	875	3,433	1,953	2,180	951
14	Constructing Sub-Judge's Court at Shimoga...	296	84	...	...	..
	MYSORE DIVISION.					
15	Improving and extending the Government Branch Press.	..	..	25,302	2,382	696
	KOLAR DIVISION.					
16	Constructing a Taluk Office at Siddlaghatta...	2,056	3,434	..	..	..
17	Improving and extending the Police Inspector's Office at Ooregum.	..	400	...	..	..
18	Improving the Taluk Cutcherry at Goribidnur.	..	..	...	..	2,260
	HASSAN DIVISION.					
19	Constructing a Sub-Registrar's Office and Bonded Warehouse at Hole-Narsipur.	..	1,534	1,865	1,897	811
	CHITALDRUG DIVISION.					
20	Munsiff's Court at Chitaldrug ...	1,049	..	..	..	..
21	Improving and extending Sub-Division Office, Davangere.	..	..	..	663	1,626
	TUMKUR DIVISION.					
22	Constructing a Combined building for the offices of the Sub-Registrar, Excise Inspector and Bonded Warehouse at Tumkur.	..	680	350	1,053	1,812
23	Improving the Munsiff's Court at Tumkur ...	250	1,116	1,206	253	..
24	Constructing Offices for the Darogas of Amrut Mahal Department at Gubbi.	..	....	156	874	505
	Total ...	1,19,510	1,09,700	1,45,737	1,54,144	68 020
	Grand Total Rs. 5,97,111	...	...	..	..	..

APPENDIX E.

(Question 16.)

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Inspections by the Comptroller of the several sections of the Electrical Department.

Year	Chief Electrical Engineer's Office		Sivasamudram		Mysore		Bangalore	
	Month in which the inspection took place	Monthly accounts inspected	Month in which the inspection took place	Monthly accounts inspected	Month in which the inspection took place	Monthly accounts inspected	Month in which the inspection took place	Monthly accounts inspected
1	2	3	4	5	6	7	8	9
1918 ...	Aug. 1918	June 1918	May. 1918	Feb. 1918	February 1918	Nov. 1917	Nov. 1918	Aug. 1918
1919 ...	Sept. 1919	May 1919	May. 1919	Mar. 1919	29th Jan. 1919 to 1st Feb. 1919 25th Oct. 1919 to 29th Oct. 1919	Oct. 1918 June 1919	Nil	Nil
1920 ...	Nil	Nil	Mar. 1920 Dec. 1920	Nov. 1919 July 1920	September 1920	May 1920	May 1920	Jan. 1920
1921 ...	Apl. 1921	Dec. 1920	Sept. 1921	Mar. 1921	Nil	Nil	July 1921	Mar. 1921
1922 ...	May 1922	Dec. 1921	Sept. 1922	Apl. 1922	February 1922	Aug. 1921	June 1922	Feb. 1922
1923 ...	Apl. 1923	Dec. 1222	.....	.....	..... Report awaited	.....	.....	.....

APPENDIX F.

(Question 20.)

Serial No.	District	Electorate in which a fresh election was ordered	Reason for cancelling the election once held
1	Mysore ..	Gundlupet Taluk ..	Postponement of the commencement of the election from 11 A.M. to 3 P.M. on the same day.
2	Do ..	Yedatore Taluk ..	Casting lots when two candidates had secured an equal number of votes in contravention of the existing orders on the subject.
3	Do ..	Seringapatam Taluk ..	Late commencement of polling which led to the voters not being able to record their votes owing to the absence of the polling officer.
4	Do ..	Mandya Taluk ..	Recording of votes of those who were not entitled to vote.
5	Do ..	French Rocks Sub-Taluk	Omission to notify the names of the candidates and the hour of election and failure to commence the election at the proper time.
6	Do ..	Hunsur Taluk ..	Ineligibility of one of the candidates who was reported to be a dismissed Government servant.
7	Do ..	Bannur Municipality ..	Want of the quorum prescribed in the rules.
8	Do ..	Nagamangala Municipality	Do.
9	Bangalore ..	Vadigenhalli Municipality	Participation of official members in the votings.
10	Kolar ..	Goribidnur Taluk ..	It was reported that the candidates had access to the voters at the time of the election and manipulated the voting papers.
11	Do ..	Bagepalli Taluk ..	It was reported that a Taluk Gumastha was present in the polling booth and was suspected to have manipulated the votes.
12	Shimoga ..	Tirthahalli Taluk ..	Acceptance by the local officers of the belated candidature of two persons in contravention of standing orders.
13	Kadur ..	Koppa Taluk ..	Do.
14	Chitaldrug ..	Hosdurga Taluk ..	Acceptance of candidature of person not eligible to stand.